

Commission on Peace Officer Standards and Training

COMMISSION MEETING AGENDA

Host Airport Hotel - Camellia Room
Sacramento Metropolitan Airport

March 25, 1977, 10 a.m. - 5 p.m.

A. OPENING OF MEETING

1. Roll Call
2. Introduction of Guests

B. APPROVAL OF MINUTES, January 20-21, 1977, regular meeting.

Action

C. CONSENT CALENDAR -- Approval of Agenda

Action

Note: Items on the Consent Calendar will normally require little or no discussion, and all issues may be acted upon in one motion. However, any item may be placed on the regular agenda by request of a Commissioner.

1. Budget Report, F.Y. 1977/78

Action

Report submitted with staff's suggested response to the Legislative Analyst's recommendation to reduce POST's budget by \$50,000 to delete funding of one assistant director and one senior stenographer position.

2. Course Certification/Decertifications, January 21, 1977, through March 3, 1977.

Information

- | | | |
|----|--|-----------------------------------|
| a. | Investigation and Prosecution of
Organized Crime in Pornography | - DOJ Advanced
Training Center |
| b. | Homicide Institute | - Rio Hondo College |
| c. | Special Problems in Jail Custody | - CSU, San Jose |

3. POST Objectives for 1977

Information

The submitted report lists a number of objectives developed by staff which give direction to the use of our energies in accomplishing the mission and goals of the organization. Copies are available at POST headquarters for interested parties.

4. Course for Law Enforcement Spouses

Action

From a motion, Jan 20 meeting, instructing staff to explore the feasibility of such a course. Enclosed is a report on the subject proposing that staff prepare course presentations with lesson plans which may be put on by local jurisdictions.

5. Agencies Not in Conformance with POST Regulations Information

A report requested by Commissioner McCauley at the Jan. 21 meeting.
6. San Francisco Police Department Survey Information

As directed by the Commission, staff determined the Police Commission, City and County of San Francisco, is the legal entity to contract for a POST survey. Enclosed is a copy of the agreement between the Police Commission and POST and copies of letters sent to the Mayor of San Francisco and the Board of Supervisors informing them of the request for the survey and the procedure to be followed.
7. Commission Policy Action

Enclosed is a report on the policy actions taken by the Commission at the Jan. 20-21 meeting.

Recommendation: Approve policy as detailed in the report.

- - - End of Consent Calendar - - -

- D. C. S. T. I. INTERAGENCY AGREEMENT REQUEST (no handout) Action

Recommended action of the Certification Committee, approved by Commission Jan. 20, for an audit and an evaluation of the cost-effectiveness and appropriateness of courses offered at C. S. T. I. (California Specialized Training Institute)

This report will not be ready until the meeting of the Commission on March 25.
- E. LABOR MANAGEMENT COURSE CERTIFICATION ALTERNATIVES Action

From a motion, Jan. 20 meeting, instructing staff to review the subject of labor management courses.
- F. STANDARDS VALIDATION COMMITTEE REPORT (no handout) Information

The Committee has reviewed the correspondence from Chief Davis, Los Angeles, regarding the validation study. As a result of the concerns expressed, this Committee will host a Problem-Solving Seminar on April 13 in Los Angeles.

Commissioner Grogan, Committee Chairman, may have an oral report.

G. ADVISORY COMMITTEE REPORT (no handout)

Information
and/or Action

Chairman of the Advisory Committee may make a report on the following issues discussed at their meeting on March 3-4 in San Diego:

1. Definition of "Job Specific" Training
2. POST College Unit Requirement
3. Policy on "Life Experience Units"
4. POST Regulation 1005(a), Basic Training Requirement
5. Policy on Reimbursement for Civilian Employees
6. ADA Issues
7. Department of Finance Report on POST Program
8. Definition of Intent Regarding the POST Basic Certificate

H. LEGISLATIVE COMMITTEE REPORT

Action

1. Commission's Rules of Order and Procedure
2. Proposed POST Seminar on Mandatory Certification (police licensing)
3. Status of Legislation

I. LIFE EXPERIENCE DEGREE PROGRAMS

Action

The Commission requested more information regarding this program. All correspondence received by POST concerning this issue is enclosed, as well as a staff report.

J. DEPARTMENT OF FINANCE STUDY OF POST PROGRAM (no handout)

Action

This report will not be ready for initial mailing on March 3. This will be a subsequent mailing prior to the meeting.

K. ENROLLMENT INCREASE FOR DRIVER TRAINING

Action

This item is brought to the Commissioners' attention for discussion in response to the large number of requests for driver training courses. An alternative proposal for driver training is being prepared and should be ready for discussion at the Commission meeting.

L. DEFINITION OF A PEACE OFFICER -- PORAC Resolution

Action

The enclosed resolution received from PORAC requests a POST problem-solving seminar to develop an operational definition of a peace officer and that POST coordinate efforts to recommend appropriate legislation.

M. POLICE CHIEFS' COMPLIANCE REQUIREMENTS FOR A
BASIC CERTIFICATE

Action

The enclosed report proposes a procedure for issuance of a Basic Certificate to those chiefs recruited from out-of-state or who have not met California basic requirements for some other reason.

N. OLD/NEW BUSINESS

O DATE AND PLACE OF NEXT COMMISSION MEETING

Information

May 27, 1977, Hilton Inn, Monterey

P. ADJOURNMENT

State of California
Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

January 20-21, 1977
El Mirador Hotel - Sacramento

The meeting was called to order at 10 a.m. by Chairman Anthony.
A quorum was present.

Commissioners present:

William J. Anthony	- Chairman
Loren W. Enoch	- Commissioner (present January 20 only)
Brad Gates	- Commissioner
Robert F. Grogan	- Commissioner
Luella K. Holloway	- Commissioner
Jacob J. Jackson	- Commissioner
William B. Kolender	- Commissioner
Edwin R. McCauley	- Commissioner
Donald F. McIntyre	- Vice-Chairman
Louis L. Sporrer	- Commissioner
Herbert E. Ellingwood	- Representative of the Attorney General

Advisory Committee Representative:

George P. Tielsch, Advisory Committee Chairman and representative of
the California Police Chiefs' Association

Staff present:

William R. Garlington	- Executive Director
Bradley W. Koch	- Director, Standards and Training
Otto H. Saltenberger	- Director, Administration
Harold L. Snow	- Legislative Liaison and Special Assistant, Executive Director's Office
Edward M. Toothman	- Director, Management Services
Gerald E. Townsend	- Assistant Director, Executive Office
Glen E. Fine	- Bureau Chief, Special Projects
Brooks W. Wilson	- Bureau Chief, Internal Support
Imogene Kauffman	- Commission Secretary

Visitors:

Charles Anderson	- Gavilan College
Frederick E. Allen	- Director, Butte Criminal Justice Trng. Center
Stan Anderson	- Santa Rosa Criminal Justice Trng. Center

Dorothy Baggett
Gilbert Baker
Rick Baratta
Jack E. Barney
Hal Becker
Bob Buckley
Ron Cain
Paula J. Carlton
Richard Cook
Robert R. Dean
Bob De Chance
Emily Elliott
Thomas Frutchey
Colonel L. O. Giuffrida
R. J. Green
Ray Holloway
John Holmes
Herbert Hoover
Glenn L. Horwege
Derald D. Hunt

Robert A. Johnson
Lewis E. Jones
Michael Junker
Curt L. Kuball

Fred J. Lema
George Lotz
Gerald S. Martin
Jack McArthur
Martin J. Mayer
William Melnicoe
Don Meyers

Gene S. Muehleisen
Mike O'Kane
John O'Toole
Alex Pantaleoni

David B. Parker

Jack Pearson
Del Pierce
Vern Renner

P. K. Schuyler
Thomas Seck
Kip Skidmore
Archie W. Sherman, Jr.

- Center for Criminal Justice, C. S. U. L. B.
- Chief Deputy, Sacramento Sheriff's Department
- General Manager, P. O. R. A. C.
- Department of Motor Vehicles
- Center for Criminal Justice, C. S. U. L. B.
- Modesto Criminal Justice Training Center
- Training Manager, Alameda County Sheriff's Dept.
- State Personnel Board
- San Jose City College Training Center
- Department of Finance
- San Joaquin County Sheriff's Dept.
- San Jose State University
- N. C. C. J. T. E. S., Sacramento
- Director, California Specialized Trng. Institute
- Chief of Police, Rocklin Police Department
- California Highway Patrol
- Chief, Division of Compliance, D. M. V.
- Dept. of Justice, Advanced Training Center
- Instructor
- Director, Administration of Justice, Golden West College
- University of San Francisco
- San Diego County Sheriff's Dept.
- San Joaquin County Sheriff's Dept.
- Fresno City College, State Center Peace Officers' Academy
- Dept. of Motor Vehicles
- Sacramento County Sheriff's Dept.
- California Specialized Trng. Institute
- Director, Criminal Justice Trng. Center, Modesto
- League of California Cities
- Chairman, Board of Directors, N. C. C. J. T. E. S.
- Program Manager, Dept. of Justice, Advanced Training Center
- Executive Director Emeritus, POST
- Sacramento Police Department
- N. C. C. J. T. E. S.
- Vice-Chairman, California Academy Directors' Association, Rio Hondo College
- Director, Criminal Justice Dept., College of the Sequoias
- P. O. R. A. C. Representative
- Special Agent, Dept. of Justice
- Director, Criminal Justice Resource System, San Jose
- San Bernardino County Sheriff's Dept.
- San Jose Police Department
- Administration, Dept. of Justice
- Bakersfield College

David Stone	- San Jose State University
Bob Thorburn	- Training Section, San Diego Police Department
John T. Voss	- CHP Academy Commander
Ralph H. Woodworth	- Riverside County Sheriff's Department

A. Opening of Meeting

B. Approval of Minutes of October 28-29, and December 8, 1976

MOTION - McCauley, second - McIntyre, carried unanimously for approval of the minutes.

Commissioner Sporrer suggested there be an insertion in the minutes of December 8 on the potential staffing of certain portions of the Employment Selection Standards Grant Proposal.

C. Public Hearing on Proposed Regulation Change, Section 1006

MOTION - McIntyre, second - Kolender, carried unanimously to repeal old Section 1006 and adopt new Section to read:

1006 Extension of Time Limit for Course Completion

- (a) The Commission may grant an extension of time limit for completion of any course required by Section 1005 of the Regulations upon presentation of evidence by a department that an officer is unable to complete the required course within the time limit prescribed because of illness, injury, military service, or special duty assignment required and made in the public interest of the concerned jurisdiction. Time extensions granted under this sub-section shall not exceed that which is reasonable, bearing in mind each individual circumstance.
- (b) The Commission may grant an extension of time for any course required by Section 1005 of the Regulations upon presentation of evidence by a department that an officer was unable to complete the required course within the time prescribed for reasons other than those specified in sub-section (a). In the event that an agency does not require an individual to complete the applicable training by the end of the extension period, such agency shall not be eligible for the reimbursement of any expenses which are incurred as a result of the training when it finally occurs.

D. Quarterly Financial Report

Mr. Saltenberger presented the following Financial Report covering the first two quarters of the 1976/77 F. Y.

Revenue: \$6,099,440

Reimbursements: \$2,385,052

75/76 Reimbursement as of 6/30/76 F.Y.	\$6,728,243.89
75/76 Training paid in 76/77 F.Y.	<u>756,587.58</u>

\$7,484,831.47

MOTION - Holloway, second - McCauley, carried unanimously for approval of the Financial Report - 1st and 2nd Quarter 1976/77 F.Y. Further, it was directed that future reports be mailed to the Commissioners on a quarterly basis and be made available for review at the next meeting following the mailing of the report.

The complete Financial Report is on file at POST headquarters which shows a breakdown by courses and trainees reimbursed during the second quarter ending 12-31-76 for 1976/77 F.Y.; administrative costs, Aid to Local Government and accumulated surplus.

E. F.Y. 1977/78 Budget - Status Report

The following items of note were report by Mr. Saltenberger:

- Changes in divisional allocations were submitted and approved by the Department of Finance. The total POST Administration budget remains as previously approved by the Commission.
- A budget change proposal was approved by the Department of Finance increasing Local Assistance from \$9,152,392 to \$11,152,392 for the fiscal year.
- In addition, budget resources include a \$1,000,000 Stabilization Fund for Aid to Local Government.

F. Certification Committee Report

Commissioner Enoch, Chairman of the Certification Committee, reported that the Committee recommended approval of the following certification requests:

1. A.	Dept. of Justice	Technical Course "Narcotic Influence Investigation"	Plan IV	20 hours
B.	Riverside City College	Special Course "Security Guard Baton Training"	N/A	16 hours

MOTION - Gates, second - Holloway, carried unanimously for approval of the Committee recommendation.

Certification and Funding Request

PlanHours

Committee Chairman Enoch reported the Committee recommended approval of the following certification and funding request subject to a successful pilot program of the Technical Course, "Law Enforcement Skills and Knowledge Modular Training Program."

2. Department of Justice	Technical Course "Law Enforcement Skills and Knowledge Modular Training Program"	IV	24 to 40
3. Department of Justice	Technical Courses:	IV	
	"Narcotics Investigation"		80
	"Narcotics Investigation for Peace Officers"		20
	"Narcotic Influence Investigations"		20

MOTION - Grogan, second - McIntyre, carried unanimously for approval of the Committee recommendation.

Interagency Agreement Request

Committee Chairman Enoch reported the Committee recommended that action be deferred on the following request until the next Commission meeting in March. At that time an evaluation is to be made on the cost-effectiveness and appropriateness of the courses offered. Further, a fiscal audit by the Controller's Office is to be requested.

4. California Specialized Training Institute	Technical Courses:		
	"Officer Survival"		
	"Civil Emergency Management"		
	"School Security"		
	"Political Violence and Terrorism"		
	Executive Seminars: "Political Violence and Terrorism"		

MOTION - Jackson, second - Holloway, carried unanimously for approval of the Committee recommendation.

5. Calif. Highway Patrol	Technical Course	Plan III	24 hrs.
	"Driver Training for Allied Agencies"		Increase tuition fm. \$172 to \$235

Committee recommended approval of the request of the C. H. P. for an increase in tuition from \$172 to \$235.

MOTION - Gates, second - McIntyre, carried unanimously for approval of the Committee recommendation.

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|----|-----------------------|--|---------|----------|
| 6. | Department of Justice | Technical Course:
"Protective Services
Techniques" | Plan IV | 40 hours |
|----|-----------------------|--|---------|----------|

Committee recommended approval of the request of the Advanced Training Center of the Department of Justice for modification from 35 hours to 40 hours of the Technical Course, "Protective Services Techniques."

MOTION - McIntyre, second - Grogan, motion carried
(Noes: Gates and Sporrer) for approval of the Committee recommendation.

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|----|-----|---|--|----------|
| 7. | FBI | Technical Course
"Homicide Investigation
Institute" | Plan IV
(Transfer certification
from Yuba College to
FBI) | 80 hours |
|----|-----|---|--|----------|

Committee recommended approval of the modification request that the Homicide Investigation Institute Course certification be transferred from Yuba Community College to the FBI Sacramento office.

MOTION - Gates, second - Sporrer, motion carried,
(Noes: Holloway, McCauley, Enoch, Grogan and McIntyre;
Ayes: Anthony, Ellingwood, Gates, Jackson, Kolender and
Sporrer) to deny the modification request that the Homicide Investigation Institute Course certification go from Yuba College to the FBI Sacramento Office. Further, staff is requested to contact other agencies with the expertise to present the Homicide Investigation Course, wherever the need exists.

- | | | | | |
|----|-----------------------------------|--|--|----------|
| 8. | Cal State University,
San Jose | Technical Course
"Advanced Hostage
Negotiations: | Plan III
(Tuition - \$106
Three presentations) | 24 hours |
|----|-----------------------------------|--|--|----------|

MOTION-Kolender, second - Holloway, carried unanimously that California State University, San Jose, be certified for three presentations of the Advanced Hostage Negotiations Course of 24 hours, reimbursement plan III, tuition \$106, maximum enrollment 20 students.

(This item had not been reviewed by the Committee for a certification recommendation.)

F.2. Certification/Decertification Approval Process

a. Delegation to Executive Director

The Committee recommended approval of delegating the authority for course certification activity to the Executive Director.

MOTION - Grogan, second - McIntyre, carried unanimously for approval of the Committee recommendation with the following stipulations:

1. All courses, approved or denied, will be on a Consent Calendar at each Commission meeting.
2. The Certification Committee will continue to serve to be called upon to give guidance to the Executive Director on matters of a controversial nature.
3. The Commission shall serve as a hearing board on appeal to resolve differences between presenters and/or users who may not be in agreement with the Executive Director's decisions.
4. All matters concerned with contracts or agreements shall continue to be considered by the full Commission.

Commissioner Gates requested that in all cases of a negative decision to requests for certification, the requester be informed of the ability of appeal.

b. Course Certification Processing Policy and Procedure

The areas of concern to the Commission in the Course Certification Processing Policy and Procedures outline were discussed and emphasized. No Commission action was necessary excepting the direction to modify the procedures to reflect the action taken to delegate the authority for course certification activity to the Executive Director.

c. Labor Management Course Certification

Committee Chairman Enoch introduced a discussion regarding correspondence that had been received from Humboldt State which requested the Commission discuss their position regarding labor management course certification.

Following discussion a motion was made and seconded that the Commission position should be to not certify. There was not a call for the question, and an amended motion was presented.

MOTION - Gates, seconded - Grogan, carried unanimously that the issue be referred to staff for review of the whole area of the labor management problem and the possibility of a course(s) which deal with walk-out or strike situations; could such courses be legally funded; are any of these types of courses available from other sources and who would be included and excluded from the courses.

G. Attorney General's Opinion -- Third Party Contracts

The Attorney General Opinion stated the Commission may reimburse the necessary expenses of personnel other than sworn peace officers, as long as the Commission feels the particular activity is necessary to its program's success. The Commission must directly reimburse such personnel.

MOTION - McIntyre, second - Sporrer, carried unanimously that the Commission adopt as policy the elimination of "third-party agreements" and authorize the appropriate contract or letter of agreement procedure.

Commissioner Holloway requested that under this policy, consideration be given to encouraging the designing of a 20-hour course for law enforcement spouses that would be available to all law enforcement agencies in California, and the reimbursement of all necessary expenses incurred.

MOTION - Holloway, seconded - McCauley, motion carried that staff be assigned to explore the feasibility of a course for law enforcement spouses (husbands and wives), the practicality of such a course, and the reimbursement possibilities. The findings shall be presented at a future meeting.

- - - - - Recess from the Agenda - - - - -

Deputy Attorney General Clayton P. Rosche gave a report to the Commission on Executive Session Rules and the Secret Meeting Law and its applicability to the POST Commission. (No Commission action was required)

H. Validation Projects -- Committee Report

1. Background Investigation Manual

MOTION - Kolender, second - Grogan, carried unanimously that upon determination that all areas for modification or language change that had been expressed by Commissioners were accommodated, the Background Investigation Manual be approved for publication.

2. L. E. A. A. Proposal Development Status Report

Committee Chairman Grogan reported that the amount of the contract request had increased from \$450,000 to \$480,000 to cover state overhead. The proposal was mailed to LEAA 12-20-76. Word was received from POST's liaison, Dr. Eigen, on 1-18-77, that strong support for the proposal is evident, and that LEAA is requesting

a meeting with POST staff during the week of 2-6-77, for a final review of the proposal.

The approved contract with Dr. Larry Murphy is near conclusion. He will brief POST staff on his findings of information supportive of the job analysis project.

A second staff psychologist, whose employment was authorized by the Commission on December 8, 1976, will report for work on February 14, 1977. He will be assigned principal responsibility for the job analysis.

Commissioner Sporrer stated a letter to the Commission was being drafted by the City of Los Angeles Personnel Department, Chief Davis, as well as the City Attorney, regarding their concerns about some portions of the proposal. The letter should be received within the next week. Before any further action is taken the possibility should be considered that personnel directors of other cities should review this proposal.

There was direction from the Chairman that upon receipt of this letter, copies be forwarded to each Commissioner.

The Executive Director stated it was felt that an attorney for the project is a necessity, preferably a city attorney.

3. O. C. J. P. -- POST Grant Administration for Criminal Justice System/NCCJTES

MOTION - McCauley, second - Gates, carried unanimously that the Executive Director continue to discuss with OCJP the problems of POST's involvement in a fourth-year grant of the NCCJTES and report back at the March Commission meeting any recommendations that might be appropriate.

Mr. William Melnicoe, Chairman, Board of Directors, NCCJTES, addressed the Commission in support of continuation of the grant.

I. ADA Committee Report

Committee Chairman Brad Gates reported the ADA Committee met on 1-11-77. Identified were several alternative courses of action for resolving the issue. Because of its complexity and the need for additional information, the Committee was unable to make a positive recommendation.

Hal Snow gave a report of the information developed for Commission consideration.

MOTION - McIntyre, second - Kolender, carried unanimously that additional thought was needed and that the Advisory Committee should review the subject matter at the next meeting for their input. This matter should be rescheduled on the March 25 Commission meeting agenda.

Commissioner Jackson questioned if the ADA Committee should meet with the Advisory Committee. The Chairman stated that might be helpful if one or two of the members could attend. The Chairman directed that the necessary staff should attend the Advisory Committee meeting. Also, the report made by Mr. Snow for the Commission should be forwarded to the Advisory Committee as soon as possible.

- - - Meeting recessed until 9 a. m., January 21, 1977 - - -

January 21, 1977

The meeting reconvened at 9 a. m. All Commissioners were present excepting Loren Enoch, who had been excused.

J. San Francisco Police Department Assistance Requests

1. Training

The Executive Director reported that the request received at the December 8, 1976 Commission meeting from the San Francisco Police Department for assistance in arranging for new officers' attendance at basic academies is now a mute issue. The hiring cycle is currently held up in Federal Court.

2. General Survey

MOTION - Ellingwood, - second - Kolender, carried (Gates - Noe), to approve the request of the Police Commission, City and County of San Francisco for a General Survey of the San Francisco Police Department, with the qualification that if the Board of Supervisors needs to concur with the contract, that it be done before proceeding with the survey.

K. Law Enforcement Management Services Division Report

Mr. Toothman presented a status report on the activity of the Management Services Division as of 12/30/76. See Attachment "A".

L. Commission Rules of Order and Procedure

MOTION - Grogan, second - McIntyre, carried unanimously for adoption of the Commission Rules of Order and Procedure following review, as to legality, by the Legislative Committee to recommend any changes at the March Commission meeting.

Of specific concern was clarification of Article 4, section 4.02 - Voting. For example: could the Commission conduct business with only a quorum (6 members) in attendance, and must all votes of the quorum be affirmative or negative to constitute a legal action?

M. Commission Policy

1. Directions and Policy Manual

MOTION - Grogan, second - McIntyre, carried unanimously for adoption of the Directions and Policy Manual as amended during the discussion proceedings.

2. Previous Commission Meeting Policy

MOTION - Kolender, second - Sporrer, carried unanimously for approval of the Commission policies, numbers 2 through 6, amending 6, "Job Specific Training", to include the definition as recommended by the Advisory Committee (Agenda Item S 1. a.) to read: Job Specific Training Courses, for salary reimbursement purposes, are courses of instruction which teach the basic skills required to perform sworn or civilian jobs in local law enforcement agencies. Training courses excluded by this definition are advanced job specific courses, and those courses which teach only a single skill or technique, i.e., driver training, firearms training, fingerprint collection, report writing, etc.

Commission policy number 1, "Reimbursement of Civilian Employees in Basic Course", was addressed under agenda item S 1. b. The action taken at that time:

MOTION - Sporrer, second - McIntyre (Noes: Jackson and McCauley) for adoption, as policy, the recommendations of the Advisory Committee regarding reimbursement of civilian employees attending the Basic Course. (see page 15)

N. Dual Track Implementation Plan for Basic Course Revision

Recommendations:

1. Continue the "dual track" method of complying with basic training requirements until at least July 1, 1978, to allow an appropriate conversion process for the current certified academies.
2. Have staff select several academies, including both agency operated and community college operated, for evaluation of implementation progress, problems, costs, and time requirements.

Recommendations -- Basic Course Revision - cont.

3. Provide staff assistance to all academies that desire to implement the revised course.
4. Conduct periodic workshops to review progress and update instructional material
5. Conduct necessary training seminars for coordinators and instructors.
6. Develop appropriate academy examinations, through the use of a contractor, to satisfy both quality maintenance of a state standards and expeditious processing of reserve officers if the Reserve Training legislation is enacted.

O. Implementation Plan for Supervisory Course Revision

Recommendations:

1. To ensure availability of Supervisory Courses in the near future, adopt a "dual track" method of complying with supervisory training requirements, using the revised course and the current subject/topic 80-hour course until January 1, 1978.
2. Evaluate the number of trainees that may require this course to establish the locations and numbers of presenters.
3. Certify new courses as appropriate.

P. Implementation Plan for Management Course Revision

Recommendations: (Duplication of the above excepting course hours of 100)

MOTION - Gates, second - Ellingwood, carried unanimously for approval of staff recommendations for implementation of agenda items N, O, and P as presented above.

Q. Life Experience Degree Programs/POST Certificates

MOTION - McIntyre, second - Holloway, motion carried (Noes: Jackson, Sporrer, McCauley) for approval of staff recommendations for acceptance of the life experience program credit, as policy, to become part of Commission Procedure F-1, Professional Certification Program, Section 1-4.c., as follows:

Education points and college degrees which are acquired through the award of units based on experience are accepted only as follows:

- No more than 40 units of credit based on experience are included in the transcripts related to the award of a baccalaureate degree.

- No more than six units of credit based on experience are included in an individual's transcript that has not resulted in the award of a degree.
- No more than six units of credit will be allowed for other than law enforcement occupational, supervisory or managerial experience.
- Units of credit based on experience are limited to courses which are offered by the awarding educational institution.
- Transcripts which include units of credit based on experience are accompanied by an explanation by the educational institution relative to the award of such units.
- Experience or training related to law enforcement is allowable only once; either to satisfy the experience or training requisites for the issuance of a professional certificate, or as awarded units of credit for experience.

There was Commission consensus more information was needed and requested staff prepare a report addressing the concerns expressed, such as: how many universities are participating in Life Experience Degrees; what is their specific accreditation; what are some of the pros and cons and rationale on how difficult it is to achieve these degrees, etc. This information is to be forwarded as soon as possible for further review at the March 25 Commission meeting.

R. Legislative Committee Report

Legislative Chairman, Herb Ellingwood, reported the Committee had met at 8 a. m. on January 21. The Committee reviewed the request of the Department of Motor Vehicles for Commission support of legislation that would allow reimbursement for out-of-pocket expenses for D. M. V. Investigators' training. There was unanimous approval for denial. The "Eligibility Criteria for Agency Participation in the POST Reimbursement Program", adopted at the October 28, 1976 Commission meeting provides that there be no deletion of POTF for state agency reimbursement. See Attachment "B".

Mr. John Holmes, Chief of the Division of Compliance, D. M. V., addressed the Commission in support of the request.

MOTION - Grogan, second - McIntyre, carried unanimously for approval of the recommendation of the Legislative Committee for denial of the request of the Department of Motor Vehicles to participate in the reimbursement program.

A written report on the status of proposed POST legislation and 1977 legislation of interest to POST was presented to the Commission.

S. Advisory Committee

1. Advisory Committee Report

Newly elected Chairman of the Advisory Committee, George P. Tielsch, Chief of Police of the Santa Monica Police Department, reported that the Advisory Committee had met on December 9-10, 1976. At that meeting the following action was taken:

- There was consensus that the Chairman express Committee support for the active role the Commission is taking in reserve training legislation.
- Recommend that the Commission not make special concessions to the San Francisco Police Department regarding a request for special POST assistance in scheduling training academy assistance throughout the State for approximately 300 officers. This request was made to the Commission at the October Commission meeting. (This request has since been cancelled.)
- Recommend that the Commission direct POST staff to continue studying the concept of Basic Course training prior to employment.
- Recommend that the Advisory Committee be closely involved as a law enforcement advisory group for the Selection Standards Validation Project.

The Advisory Committee held election of new officers.

Chairman Chief George P. Tielsch, California Police Chiefs' Association representative

Vice-Chairman: William A. Fradenburg, Inspector, California Highway Patrol representative.

1.a. Job Specific Training Course Policy

MOTION - Sporrer, second - Kolender, carried unanimously for approval of the following Advisory Committee recommendations:

- With noted exceptions, all Technical Courses contained in a list reviewed by the Advisory Committee are deemed to be Job Specific Training Courses.
- Job Specific Training Courses for salary reimbursement purposes are defined as courses of instruction which teach basic skills required to perform sworn or civilian jobs in local law enforcement agencies. Training courses excluded by this definition are advanced job specific courses, and those courses which teach only a single skill or technique, such as driver training, firearms training, fingerprint collection, report writing, etc.

The Advisory Committee did not attempt to prioritize the approved categories.

1.b. Policy on Reimbursement of Civilian Employees

MOTION - Sporrer, second - McIntyre, motion carried (Noes: Jackson and McCauley), for approval of the Advisory Committee's recommendation that POST not provide reimbursement for any civilian employee attending a mandated course.

MOTION - Sporrer, second - McIntyre, carried unanimously for approval of the Advisory Committee's recommendation that civilian employees be allowed to receive salary and out-of-pocket expense reimbursement for job specific training assignments.

2. Public Member Appointment

It was reported that there was no public member nominee at this time. Efforts will continue to select a public member from the northern part of the State.

3. Women's Peace Officer Association Appointment

MOTION - Holloway, second - McCauley, carried unanimously for approval of the nomination of Roberta Doran, Lieutenant, University of California Police Department, Los Angeles, and President of the Women Peace Officers' Association, to serve on the Advisory Committee.

T. Old/New Business

Agencies Not In Conformance with POST Regulations

Commissioner McCauley expressed a desire for information regarding the number of agencies in California that are not in conformance with POST Regulations. The Executive Director responded that a complete report on this matter will be presented at the March 25 Commission meeting. In the future, this information will be provided to the Commission on a routine basis.

Conflict of Interest Reporting

The Executive Director referred to a recent communication from the Fair Practices Commission which indicated determination on the Code will not be made for several months. Hearings will be held, at which

time the Commission will be informed as to the acceptance and necessary steps for finalization of the Conflict of Interest Statement developed for the POST Commissioners and certain members of the staff.

U. Future Commission Meetings

The following schedule was presented and approved:

March 25, Host Airport Hotel, Sacramento Metropolitan Airport
May 27, Hilton Inn Resort Hotel, Monterey
July 29, Host Airport Hotel, Sacramento Metropolitan Airport
October 13-14, Riviera Hotel, Palm Springs
December 9, Host Airport Hotel, Sacramento Metropolitan Airport

V. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 12:30 p. m.

Respectfully submitted,


Imogene Kauffman
Commission Secretary

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET																																									
Agenda Item Title <div style="text-align: center;">Activity Report</div>		Meeting Date <div style="text-align: center;">January 20 - 21, 1977</div>																																							
Division Law Enforcement Management Services	Division Director Approval <div style="text-align: center;">Edward M. Toothman</div>	Researched By 																																							
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Eligibility Criteria for Agency Participation in the POST Reimbursement Program

- The agency must be a unit of local government.
- The agency must perform all of the following range of law enforcement functions:
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 - b. Operates emergency vehicles.
 - c. Responds to calls regarding criminal or suspicious activities.
 - d. Generates crime specific reports.
 - e. Controls and coordinates crime scene activities.
 - f. Collects and preserves evidence.
 - g. Controls and/or disperses crowds and resolves violent conflicts.
 - h. Intervenes in personal family crisis situations.
 - i. Arrest adults/juveniles for violation of criminal statutes. Determines legality of arrest, search and seize property.
 - j. Uses firearms and other weapons as authority and discretion may dictate.
 - k. Serves warrants of arrest and other orders of the court.
 - l. Conducts searches for missing children and disoriented adults.
 - m. Conducts criminal investigations.
 - n. Anticipates, recognizes and appraises crime risk situations and initiates action to remove or reduce it.
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State of California
Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

January 20-21, 1977
El Mirador Hotel - Sacramento

The meeting was called to order at 10 a.m. by Chairman Anthony.
A quorum was present.

Commissioners present:

William J. Anthony	- Chairman
Loren W. Enoch	- Commissioner (present January 20 only)
Brad Gates	- Commissioner
Robert F. Grogan	- Commissioner
Luella K. Holloway	- Commissioner
Jacob J. Jackson	- Commissioner
William B. Kolender	- Commissioner
Edwin R. McCauley	- Commissioner
Donald F. McIntyre	- Vice-Chairman
Louis L. Sporrer	- Commissioner
Herbert E. Ellingwood	- Representative of the Attorney General

Advisory Committee Representative:

George P. Tielsch, Advisory Committee Chairman and representative of
the California Police Chiefs' Association

Staff present:

William R. Garlington	- Executive Director
Bradley W. Koch	- Director, Standards and Training
Otto H. Saltenberger	- Director, Administration
Harold L. Snow	- Legislative Liaison and Special Assistant, Executive Director's Office
Edward M. Toothman	- Director, Management Services
Gerald E. Townsend	- Assistant Director, Executive Office
Glen E. Fine	- Bureau Chief, Special Projects
Brooks W. Wilson	- Bureau Chief, Internal Support
Imogene Kauffman	- Commission Secretary

Visitors:

Charles Anderson	- Gavilan College
Frederick E. Allen	- Director, Butte Criminal Justice Trng. Center
Stan Anderson	- Santa Rosa Criminal Justice Trng. Center

Dorothy Baggett	- Center for Criminal Justice, C. S. U. L. B.
Gilbert Baker	- Chief Deputy, Sacramento Sheriff's Department
Rick Baratta	- General Manager, P. O. R. A. C.
Jack E. Barney	- Department of Motor Vehicles
Hal Becker	- Center for Criminal Justice, C. S. U. L. B.
Bob Buckley	- Modesto Criminal Justice Training Center
Ron Cain	- Training Manager, Alameda County Sheriff's Dept.
Paula J. Carlton	- State Personnel Board
Richard Cook	- San Jose City College Training Center
Robert R. Dean	- Department of Finance
Bob De Chance	- San Joaquin County Sheriff's Dept.
Emily Elliott	- San Jose State University
Thomas Frutchey	- N. C. C. J. T. E. S., Sacramento
Colonel L. O. Giuffrida	- Director, California Specialized Trng. Institute
R. J. Green	- Chief of Police, Rocklin Police Department
Ray Holloway	- California Highway Patrol
John Holmes	- Chief, Division of Compliance, D. M. V.
Herbert Hoover	- Dept. of Justice, Advanced Training Center
Glenn L. Horwege	- Instructor
Derald D. Hunt	- Director, Administration of Justice, Golden West College
Robert A. Johnson	- University of San Francisco
Lewis E. Jones	- San Diego County Sheriff's Dept.
Michael Junker	- San Joaquin County Sheriff's Dept.
Curt L. Kuball	- Fresno City College, State Center Peace Officers' Academy
Fred J. Lema	- Dept. of Motor Vehicles
George Lotz	- Sacramento County Sheriff's Dept.
Gerald S. Martin	- California Specialized Trng. Institute
Jack McArthur	- Director, Criminal Justice Trng. Center, Modesto
Martin J. Mayer	- League of California Cities
William Melnicoe	- Chairman, Board of Directors, N. C. C. J. T. E. S.
Don Meyers	- Program Manager, Dept. of Justice, Advanced Training Center
Gene S. Muehleisen	- Executive Director Emeritus, POST
Mike O'Kane	- Sacramento Police Department
John O'Toole	- N. C. C. J. T. E. S.
Alex Pantaleoni	- Vice-Chairman, California Academy Directors' Association, Rio Hondo College
David B. Parker	- Director, Criminal Justice Dept., College of the Sequoias
Jack Pearson	- P. O. R. A. C. Representative
Del Pierce	- Special Agent, Dept. of Justice
Vern Renner	- Director, Criminal Justice Resource System, San Jose
P. K. Schuyler	- San Bernardino County Sheriff's Dept.
Thomas Seck	- San Jose Police Department
Kip Skidmore	- Administration, Dept. of Justice
Archie W. Sherman, Jr.	- Bakersfield College

David Stone	- San Jose State University
Bob Thorburn	- Training Section, San Diego Police Department
John T. Voss	- CHIP Academy Commander
Ralph H. Woodworth	- Riverside County Sheriff's Department

A. Opening of Meeting

B. Approval of Minutes of October 28-29, and December 8, 1976

MOTION - McCauley, second - McIntyre, carried
unanimously for approval of the minutes.

Commissioner Sporrer suggested there be an insertion in
the minutes of December 8 on the potential staffing of certain
portions of the Employment Selection Standards Grant Proposal.

C. Public Hearing on Proposed Regulation Change, Section 1006

MOTION - McIntyre, second - Kolender, carried unanimously
to repeal old Section 1006 and adopt new Section to read:

1006 Extension of Time Limit for Course Completion

- (a) The Commission may grant an extension of time limit
for completion of any course required by Section 1005
of the Regulations upon presentation of evidence by a
department that an officer is unable to complete the re-
quired course within the time limit prescribed because
of illness, injury, military service, or special duty
assignment required and made in the public interest of
the concerned jurisdiction. Time extensions granted
under this sub-section shall not exceed that which is
reasonable, bearing in mind each individual circumstance.
- (b) The Commission may grant an extension of time for any
course required by Section 1005 of the Regulations upon
presentation of evidence by a department that an officer
was unable to complete the required course within the
time prescribed for reasons other than those specified
in sub-section (a). In the event that an agency does not
require an individual to complete the applicable train-
ing by the end of the extension period, such agency shall
not be eligible for the reimbursement of any expenses
which are incurred as a result of the training when it
finally occurs.

D. Quarterly Financial Report

Mr. Saltenberger presented the following Financial Report covering the
first two quarters of the 1976/77 F. Y.

Revenue: \$6,099,440

Reimbursements: \$2,385,052

75/76 Reimbursement as of 6/30/76 F. Y.	\$6,728,243.89
75/76 Training paid in 76/77 F. Y.	<u>756,587.58</u>
	\$7,484,831.47

MOTION - Holloway, second - McCauley, carried unanimously for approval of the Financial Report - 1st and 2nd Quarter 1976/77 F. Y. Further, it was directed that future reports be mailed to the Commissioners on a quarterly basis and be made available for review at the next meeting following the mailing of the report.

The complete Financial Report is on file at POST headquarters which shows a breakdown by courses and trainees reimbursed during the second quarter ending 12-31-76 for 1976/77 F. Y.; administrative costs, Aid to Local Government and accumulated surplus.

E. F. Y. 1977/78 Budget - Status Report

The following items of note were report by Mr. Saltenberger:

- Changes in divisional allocations were submitted and approved by the Department of Finance. The total POST Administration budget remains as previously approved by the Commission.
- A budget change proposal was approved by the Department of Finance increasing Local Assistance from \$9,152,392 to \$11,152,392 for the fiscal year.
- In addition, budget resources include a \$1,000,000 Stabilization Fund for Aid to Local Government.

F. Certification Committee Report

Commissioner Enoch, Chairman of the Certification Committee, reported that the Committee recommended approval of the following certification requests:

1. A.	Dept. of Justice	Technical Course "Narcotic Influence Investigation"	Plan IV	20 hours
B.	Riverside City College	Special Course "Security Guard Baton Training"	N/A	16 hours

MOTION - Gates, second - Holloway, carried unanimously for approval of the Committee recommendation.

Certification and Funding Request

PlanHours

Committee Chairman Enoch reported the Committee recommended approval of the following certification and funding request subject to a successful pilot program of the Technical Course, "Law Enforcement Skills and Knowledge Modular Training Program."

2. Department of Justice	Technical Course "Law Enforcement Skills and Knowledge Modular Training Program"	IV	24 to 40
3. Department of Justice	Technical Courses:	IV	
	"Narcotics Investigation"		80
	"Narcotics Investigation for Peace Officers"		20
	"Narcotic Influence Investigations"		20

MOTION - Grogan, second - McIntyre, carried unanimously for approval of the Committee recommendation.

Interagency Agreement Request

Committee Chairman Enoch reported the Committee recommended that action be deferred on the following request until the next Commission meeting in March. At that time an evaluation is to be made on the cost-effectiveness and appropriateness of the courses offered. Further, a fiscal audit by the Controller's Office is to be requested.

4. California Specialized Training Institute	Technical Courses:		
	"Officer Survival"		
	"Civil Emergency Management"		
	"School Security"		
	"Political Violence and Terrorism"		
	Executive Seminars: "Political Violence and Terrorism"		

MOTION - Jackson, second - Holloway, carried unanimously for approval of the Committee recommendation.

5. Calif. Highway Patrol	Technical Course	Plan III	24 hrs.
	"Driver Training for Allied Agencies"		Increase tuition fm. \$172 to \$235

Committee recommended approval of the request of the C. H. P. for an increase in tuition from \$172 to \$235.

MOTION - Gates, second - McIntyre, carried unanimously for approval of the Committee recommendation.

- | | | | | |
|----|-----------------------|--|---------|----------|
| 6. | Department of Justice | Technical Course:
"Protective Services
Techniques" | Plan IV | 40 hours |
|----|-----------------------|--|---------|----------|

Committee recommended approval of the request of the Advanced Training Center of the Department of Justice for modification from 35 hours to 40 hours of the Technical Course, "Protective Services Techniques."

MOTION - McIntyre, second - Grogan, motion carried (Noes: Gates and Sporrer) for approval of the Committee recommendation.

- | | | | | |
|----|-----|---|--|----------|
| 7. | FBI | Technical Course
"Homicide Investigation
Institute" | Plan IV
(Transfer certification
from Yuba College to
FBI) | 80 hours |
|----|-----|---|--|----------|

Committee recommended approval of the modification request that the Homicide Investigation Institute Course certification be transferred from Yuba Community College to the FBI Sacramento office.

MOTION - Gates, second - Sporrer, motion carried, (Noes: Holloway, McCauley, Enoch, Grogan and McIntyre; Ayes: Anthony, Ellingwood, Gates, Jackson, Kolender and Sporrer) to deny the modification request that the Homicide Investigation Institute Course certification go from Yuba College to the FBI Sacramento Office. Further, staff is requested to contact other agencies with the expertise to present the Homicide Investigation Course, wherever the need exists.

- | | | | | |
|----|-----------------------------------|--|--|----------|
| 8. | Cal State University,
San Jose | Technical Course
"Advanced Hostage
Negotiations: | Plan III
(Tuition - \$106
Three presentations) | 24 hours |
|----|-----------------------------------|--|--|----------|

MOTION-Kolender, second - Holloway, carried unanimously that California State University, San Jose, be certified for three presentations of the Advanced Hostage Negotiations Course of 24 hours, reimbursement plan III, tuition \$106, maximum enrollment 20 students.

(This item had not been reviewed by the Committee for a certification recommendation.)

F.2. Certification/Decertification Approval Process

- a. Delegation to Executive Director

The Committee recommended approval of delegating the authority for course certification activity to the Executive Director.

MOTION - Grogan, second - McIntyre, carried unanimously for approval of the Committee recommendation with the following stipulations:

1. All courses, approved or denied, will be on a Consent Calendar at each Commission meeting.
2. The Certification Committee will continue to serve to be called upon to give guidance to the Executive Director on matters of a controversial nature.
3. The Commission shall serve as a hearing board on appeal to resolve differences between presenters and/or users who may not be in agreement with the Executive Director's decisions.
4. All matters concerned with contracts or agreements shall continue to be considered by the full Commission.

Commissioner Gates requested that in all cases of a negative decision to requests for certification, the requester be informed of the ability of appeal.

b. Course Certification Processing Policy and Procedure

The areas of concern to the Commission in the Course Certification Processing Policy and Procedures outline were discussed and emphasized. No Commission action was necessary excepting the direction to modify the procedures to reflect the action taken to delegate the authority for course certification activity to the Executive Director.

c. Labor Management Course Certification

Committee Chairman Enoch introduced a discussion regarding correspondence that had been received from Humboldt State which requested the Commission discuss their position regarding labor management course certification.

Following discussion a motion was made and seconded that the Commission position should be to not certify. There was not a call for the question, and an amended motion was presented.

MOTION - Gates, seconded - Grogan, carried unanimously that the issue be referred to staff for review of the whole area of the labor management problem and the possibility of a course(s) which deal with walk-out or strike situations; could such courses be legally funded; are any of these types of courses available from other sources and who would be included and excluded from the courses.

G. Attorney General's Opinion -- Third Party Contracts

The Attorney General Opinion stated the Commission may reimburse the necessary expenses of personnel other than sworn peace officers, as long as the Commission feels the particular activity is necessary to its program's success. The Commission must directly reimburse such personnel.

MOTION - McIntyre, second - Sporrer, carried unanimously that the Commission adopt as policy the elimination of "third-party agreements" and authorize the appropriate contract or letter of agreement procedure.

Commissioner Holloway requested that under this policy, consideration be given to encouraging the designing of a 20-hour course for law enforcement spouses that would be available to all law enforcement agencies in California, and the reimbursement of all necessary expenses incurred.

MOTION - Holloway, seconded - McCauley, motion carried that staff be assigned to explore the feasibility of a course for law enforcement spouses (husbands and wives), the practicality of such a course, and the reimbursement possibilities. The findings shall be presented at a future meeting.

- - - - - Recess from the Agenda - - - - -

Deputy Attorney General Clayton P. Rosche gave a report to the Commission on Executive Session Rules and the Secret Meeting Law and its applicability to the POST Commission. (No Commission action was required)

H. Validation Projects -- Committee Report

1. Background Investigation Manual

MOTION - Kolender, second - Grogan, carried unanimously that upon determination that all areas for modification or language change that had been expressed by Commissioners were accommodated, the Background Investigation Manual be approved for publication.

2. L. E. A. A. Proposal Development Status Report

Committee Chairman Grogan reported that the amount of the contract request had increased from \$450,000 to \$480,000 to cover state overhead. The proposal was mailed to LEAA 12-20-76. Word was received from POST's liaison, Dr. Eigen; on 1-18-77, that strong support for the proposal is evident, and that LEAA is requesting

a meeting with POST staff during the week of 2-6-77, for a final review of the proposal.

The approved contract with Dr. Larry Murphy is near conclusion. He will brief POST staff on his findings of information supportive of the job analysis project.

A second staff psychologist, whose employment was authorized by the Commission on December 8, 1976, will report for work on February 14, 1977. He will be assigned principal responsibility for the job analysis.

Commissioner Sporrer stated a letter to the Commission was being drafted by the City of Los Angeles Personnel Department, Chief Davis, as well as the City Attorney, regarding their concerns about some portions of the proposal. The letter should be received within the next week. Before any further action is taken the possibility should be considered that personnel directors of other cities should review this proposal.

There was direction from the Chairman that upon receipt of this letter, copies be forwarded to each Commissioner.

The Executive Director stated it was felt that an attorney for the project is a necessity, preferably a city attorney.

3. O. C. J. P. -- POST Grant Administration for Criminal Justice System/NCCJTES

MOTION - McCauley, second - Gates, carried unanimously that the Executive Director continue to discuss with OCJP the problems of POST's involvement in a fourth-year grant of the NCCJTES and report back at the March Commission meeting any recommendations that might be appropriate.

Mr. William Melnicoe, Chairman, Board of Directors, NCCJTES, addressed the Commission in support of continuation of the grant.

I. ADA Committee Report

Committee Chairman Brad Gates reported the ADA Committee met on 1-11-77. Identified were several alternative courses of action for resolving the issue. Because of its complexity and the need for additional information, the Committee was unable to make a positive recommendation.

Hal Snow gave a report of the information developed for Commission consideration.

MOTION - McIntyre, second - Kolender, carried unanimously that additional thought was needed and that the Advisory Committee should review the subject matter at the next meeting for their input. This matter should be rescheduled on the March 25 Commission meeting agenda.

Commissioner Jackson questioned if the ADA Committee should meet with the Advisory Committee. The Chairman stated that might be helpful if one or two of the members could attend. The Chairman directed that the necessary staff should attend the Advisory Committee meeting. Also, the report made by Mr. Snow for the Commission should be forwarded to the Advisory Committee as soon as possible.

- - - Meeting recessed until 9 a. m., January 21, 1977 - - -

January 21, 1977

The meeting reconvened at 9 a. m. All Commissioners were present excepting Loren Enoch, who had been excused.

J. San Francisco Police Department Assistance Requests

1. Training

The Executive Director reported that the request received at the December 8, 1976 Commission meeting from the San Francisco Police Department for assistance in arranging for new officers' attendance at basic academies is now a mute issue. The hiring cycle is currently held up in Federal Court.

2. General Survey

MOTION - Ellingwood, - second - Kolender, carried (Gates - Noe), to approve the request of the Police Commission, City and County of San Francisco for a General Survey of the San Francisco Police Department, with the qualification that if the Board of Supervisors needs to concur with the contract, that it be done before proceeding with the survey.

K. Law Enforcement Management Services Division Report

Mr. Toothman presented a status report on the activity of the Management Services Division as of 12/30/76. See Attachment "A".

L. Commission Rules of Order and Procedure

MOTION - Grogan, second - McIntyre, carried unanimously for adoption of the Commission Rules of Order and Procedure following review, as to legality, by the Legislative Committee to recommend any changes at the March Commission meeting.

Of specific concern was clarification of Article 4, section 4.02 - Voting. For example: could the Commission conduct business with only a quorum (6 members) in attendance, and must all votes of the quorum be affirmative or negative to constitute a legal action?

M. Commission Policy

1. Directions and Policy Manual

MOTION - Grogan, second - McIntyre, carried unanimously for adoption of the Directions and Policy Manual as amended during the discussion proceedings.

2. Previous Commission Meeting Policy

MOTION - Kolender, second - Sporrer, carried unanimously for approval of the Commission policies, numbers 2 through 6, amending 6, "Job Specific Training", to include the definition as recommended by the Advisory Committee (Agenda Item S 1. a.) to read: Job Specific Training Courses, for salary reimbursement purposes, are courses of instruction which teach the basic skills required to perform sworn or civilian jobs in local law enforcement agencies. Training courses excluded by this definition are advanced job specific courses, and those courses which teach only a single skill or technique, i.e., driver training, firearms training, fingerprint collection, report writing, etc.

Commission policy number 1, "Reimbursement of Civilian Employees in Basic Course", was addressed under agenda item S 1. b. The action taken at that time:

MOTION - Sporrer, second - McIntyre (Noes: Jackson and McCauley) for adoption, as policy, the recommendations of the Advisory Committee regarding reimbursement of civilian employees attending the Basic Course. (see page 15)

N. Dual Track Implementation Plan for Basic Course Revision

Recommendations:

1. Continue the "dual track" method of complying with basic training requirements until at least July 1, 1978, to allow an appropriate conversion process for the current certified academies.
2. Have staff select several academies, including both agency operated and community college operated, for evaluation of implementation progress, problems, costs, and time requirements.

Recommendations -- Basic Course Revision - cont.

3. Provide staff assistance to all academies that desire to implement the revised course.
4. Conduct periodic workshops to review progress and update instructional material
5. Conduct necessary training seminars for coordinators and instructors.
6. Develop appropriate academy examinations, through the use of a contractor, to satisfy both quality maintenance of a state standards and expeditious processing of reserve officers if the Reserve Training legislation is enacted.

O. Implementation Plan for Supervisory Course Revision

Recommendations:

1. To ensure availability of Supervisory Courses in the near future, adopt a "dual track" method of complying with supervisory training requirements, using the revised course and the current subject/topic 80-hour course until January 1, 1978.
2. Evaluate the number of trainees that may require this course to establish the locations and numbers of presenters.
3. Certify new courses as appropriate.

P. Implementation Plan for Management Course Revision

Recommendations: (Duplication of the above excepting course hours of 100)

MOTION - Gates, second - Ellingwood, carried unanimously for approval of staff recommendations for implementation of agenda items N, O, and P as presented above.

Q. Life Experience Degree Programs/POST Certificates

MOTION - McIntyre, second - Holloway, motion carried (Noes: Jackson, Sporrer, McCauley) for approval of staff recommendations for acceptance of the life experience program credit, as policy, to become part of Commission Procedure F-1, Professional Certification Program, Section 1-4.c., as follows:

Education points and college degrees which are acquired through the award of units based on experience are accepted only as follows:

- No more than 40 units of credit based on experience are included in the transcripts related to the award of a baccalaureate degree.

- No more than six units of credit based on experience are included in an individual's transcript that has not resulted in the award of a degree.
- No more than six units of credit will be allowed for other than law enforcement occupational, supervisory or managerial experience.
- Units of credit based on experience are limited to courses which are offered by the awarding educational institution.
- Transcripts which include units of credit based on experience are accompanied by an explanation by the educational institution relative to the award of such units.
- Experience or training related to law enforcement is allowable only once; either to satisfy the experience or training requisites for the issuance of a professional certificate, or as awarded units of credit for experience.

Grogan's comments to amend
There was Commission consensus more information was needed and requested staff prepare a report addressing the concerns expressed, such as: how many universities are participating in Life Experience Degrees; what is their specific accreditation; what are some of the pros and cons and rationale on how difficult it is to achieve these degrees, etc. This information is to be forwarded as soon as possible for further review at the March 25 Commission meeting.

R. Legislative Committee Report

Legislative Chairman, Herb Ellingwood, reported the Committee had met at 8 a.m. on January 21. The Committee reviewed the request of the Department of Motor Vehicles for Commission support of legislation that would allow reimbursement for out-of-pocket expenses for D.M.V. Investigators' training. There was unanimous approval for denial. The "Eligibility Criteria for Agency Participation in the POST Reimbursement Program", adopted at the October 28, 1976 Commission meeting provides that there be no deletion of POTF for state agency reimbursement. See Attachment "B".

Mr. John Holmes, Chief of the Division of Compliance, D.M.V., addressed the Commission in support of the request.

MOTION - Grogan, second - McIntyre, carried unanimously for approval of the recommendation of the Legislative Committee for denial of the request of the Department of Motor Vehicles to participate in the reimbursement program.

A written report on the status of proposed POST legislation and 1977 legislation of interest to POST was presented to the Commission.

S. Advisory Committee

1. Advisory Committee Report

Newly elected Chairman of the Advisory Committee, George P. Tielsch, Chief of Police of the Santa Monica Police Department, reported that the Advisory Committee had met on December 9-10, 1976. At that meeting the following action was taken:

- There was consensus that the Chairman express Committee support for the active role the Commission is taking in reserve training legislation.
- Recommend that the Commission not make special concessions to the San Francisco Police Department regarding a request for special POST assistance in scheduling training academy assistance throughout the State for approximately 300 officers. This request was made to the Commission at the October Commission meeting. (This request has since been cancelled.)
- Recommend that the Commission direct POST staff to continue studying the concept of Basic Course training prior to employment.
- Recommend that the Advisory Committee be closely involved as a law enforcement advisory group for the Selection Standards Validation Project.

The Advisory Committee held election of new officers.

Chairman Chief George P. Tielsch, California Police Chiefs' Association representative

Vice-Chairman: William A. Fradenburg, Inspector, California Highway Patrol representative.

1.a. Job Specific Training Course Policy

MOTION - Sporrer, second - Kolender, carried unanimously for approval of the following Advisory Committee recommendations:

- With noted exceptions, all Technical Courses contained in a list reviewed by the Advisory Committee are deemed to be Job Specific Training Courses.
- Job Specific Training Courses for salary reimbursement purposes are defined as courses of instruction which teach basic skills required to perform sworn or civilian jobs in local law enforcement agencies. Training courses excluded by this definition are advanced job specific courses, and those courses which teach only a single skill or technique, such as driver training, firearms training, fingerprint collection, report writing, etc.

The Advisory Committee did not attempt to prioritize the approved categories.

1.b. Policy on Reimbursement of Civilian Employees

MOTION - Sporrer, second - McIntyre, motion carried (Noes: Jackson and McCauley), for approval of the Advisory Committee's recommendation that POST not provide reimbursement for any civilian employee attending a mandated course.

MOTION - Sporrer, second - McIntyre, carried unanimously for approval of the Advisory Committee's recommendation that civilian employees be allowed to receive salary and out-of-pocket expense reimbursement for job specific training assignments.

2. Public Member Appointment

It was reported that there was no public member nominee at this time. Efforts will continue to select a public member from the northern part of the State.

3. Women's Peace Officer Association Appointment

MOTION - Holloway, second - McCauley, carried unanimously for approval of the nomination of Roberta Doran, Lieutenant, University of California Police Department, Los Angeles, and President of the Women Peace Officers' Association, to serve on the Advisory Committee.

T. Old/New Business

Agencies Not In Conformance with POST Regulations

Commissioner McCauley expressed a desire for information regarding the number of agencies in California that are not in conformance with POST Regulations. The Executive Director responded that a complete report on this matter will be presented at the March 25 Commission meeting. In the future, this information will be provided to the Commission on a routine basis.

Conflict of Interest Reporting

The Executive Director referred to a recent communication from the Fair Practices Commission which indicated determination on the Code will not be made for several months. Hearings will be held, at which

time the Commission will be informed as to the acceptance and necessary steps for finalization of the Conflict of Interest Statement developed for the POST Commissioners and certain members of the staff.

U. Future Commission Meetings

The following schedule was presented and approved:

March 25, Host Airport Hotel, Sacramento Metropolitan Airport
May 27, Hilton Inn Resort Hotel, Monterey
July 29, Host Airport Hotel, Sacramento Metropolitan Airport
October 13-14, Riviera Hotel, Palm Springs
December 9, Host Airport Hotel, Sacramento Metropolitan Airport

V. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 12:30 p. m.

Respectfully submitted,


Imogene Kauffman
Commission Secretary

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET																																									
Agenda Item Title <div style="text-align: center;">Activity Report</div>		Meeting Date <div style="text-align: center;">January 20 - 21, 1977</div>																																							
Division Law Enforcement Management Services	Division Director Approval <div style="text-align: center;">Edward M. Toothman</div>	Researched By 																																							
Executive Director Approval <i>(Signature: W.R. Burlington)</i>	Date of Approval <div style="text-align: center;">December 30, 1976</div>	Date of Report <div style="text-align: center;">December 30, 1976</div>																																							
Purpose: Decision Requested <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Status Report <input type="checkbox"/> Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No <input type="checkbox"/>																																									
In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page ____).																																									
<p>The following is a status report for the Law Enforcement Management Services Division for the second quarter of the 1976-77 Fiscal Year ending December 31, 1976.</p> <p>Eleven Special Surveys were completed during the second quarter. They were:</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%;">Redlands P.D.</td> <td style="width:50%;">South San Francisco P.D.</td> </tr> <tr> <td>Trinity County S.O.</td> <td>Daly City P.D.</td> </tr> <tr> <td>Baldwin Park P.D.</td> <td>Rio Vista P.D.</td> </tr> <tr> <td>St. Helena P.D.</td> <td>Eureka P.D.</td> </tr> <tr> <td>Corcoran P.D.</td> <td>Willits P.D.</td> </tr> <tr> <td align="center" colspan="2">City of San Joaquin P.D.</td> </tr> </table> <p>As of December 31, there were twenty-two Special Surveys assigned to the consultants, which were in various stages of completion. They were:</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%;">Plumas County S.O.</td> <td style="width:50%;">Marina P.D.</td> </tr> <tr> <td>Patterson P.D.</td> <td>Bakersfield P.D.</td> </tr> <tr> <td>Delano P.D.</td> <td>Napa P.D.</td> </tr> <tr> <td>Placer County S.O.</td> <td>Kern County S.O.</td> </tr> <tr> <td>Hillsborough P.D.</td> <td>Calexico P.D.</td> </tr> <tr> <td>Pinole P.D.</td> <td>El Centro P.D.</td> </tr> <tr> <td>San Francisco P.D.</td> <td>Simi Valley P.D.</td> </tr> <tr> <td>El Dorado County S.O.</td> <td>Riverbank P.D.</td> </tr> <tr> <td>South Pasadena P.D.</td> <td>Palm Springs P.D.</td> </tr> <tr> <td>Ceres P.D.</td> <td>Mendota P.D.</td> </tr> <tr> <td>Alameda County S.O.</td> <td>Foster City P.D.</td> </tr> </table> <p>There were twelve Special Survey requests and one General Survey request pending assignment. They were:</p> <table style="width:100%; border: none;"> <tr> <td style="width:50%; vertical-align: top;"> <u>Special Surveys</u> - Novato P.D. Chino P.D. Berkeley P.D. Santa Cruz County S.O. Morgan Hill P.D. Suisun P.D. </td> <td style="width:50%; vertical-align: top;"> La Mesa P.D. Wasco P.D. Guadalupe P.D. Taft P.D. Le Moore P.D. Rohnert Park P.D. </td> </tr> <tr> <td colspan="2" style="padding-top: 10px;"> <u>General Survey</u> - San Francisco P.D. </td> </tr> </table>				Redlands P.D.	South San Francisco P.D.	Trinity County S.O.	Daly City P.D.	Baldwin Park P.D.	Rio Vista P.D.	St. Helena P.D.	Eureka P.D.	Corcoran P.D.	Willits P.D.	City of San Joaquin P.D.		Plumas County S.O.	Marina P.D.	Patterson P.D.	Bakersfield P.D.	Delano P.D.	Napa P.D.	Placer County S.O.	Kern County S.O.	Hillsborough P.D.	Calexico P.D.	Pinole P.D.	El Centro P.D.	San Francisco P.D.	Simi Valley P.D.	El Dorado County S.O.	Riverbank P.D.	South Pasadena P.D.	Palm Springs P.D.	Ceres P.D.	Mendota P.D.	Alameda County S.O.	Foster City P.D.	<u>Special Surveys</u> - Novato P.D. Chino P.D. Berkeley P.D. Santa Cruz County S.O. Morgan Hill P.D. Suisun P.D.	La Mesa P.D. Wasco P.D. Guadalupe P.D. Taft P.D. Le Moore P.D. Rohnert Park P.D.	<u>General Survey</u> - San Francisco P.D.	
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Eligibility Criteria for Agency Participation in the POST Reimbursement Program

- The agency must be a unit of local government.
- The agency must perform all of the following range of law enforcement functions:
 - a. Patrols a specified geographic area for the purpose of crime control.
 - b. Operates emergency vehicles.
 - c. Responds to calls regarding criminal or suspicious activities.
 - d. Generates crime specific reports.
 - e. Controls and coordinates crime scene activities.
 - f. Collects and preserves evidence.
 - g. Controls and/or disperses crowds and resolves violent conflicts.
 - h. Intervenes in personal family crisis situations.
 - i. Arrest adults/juveniles for violation of criminal statutes. Determines legality of arrest, search and seize property.
 - j. Uses firearms and other weapons as authority and discretion may dictate.
 - k. Serves warrants of arrest and other orders of the court.
 - l. Conducts searches for missing children and disoriented adults.
 - m. Conducts criminal investigations.
 - n. Anticipates, recognizes and appraises crime risk situations and initiates action to remove or reduce it.
 - o. Engages in delinquency control and protective custody of juveniles. Makes dispositions on cases involving delinquent and/or dependent juveniles.
 - p. Renders assistance to sick and injured persons.
 - q. Has authority to engage in traffic law enforcement and traffic accident investigation.
- An agency allowed to participate which does not meet the first two requirements must be funded from sources other than the Peace Officer Training Fund as it is presently constituted.

Memorandum

To : COMMISSIONERS

Date : February 25, 1977

From : Commission on Peace Officer Standards and Training

Subject: FISCAL YEAR 1977-78 BUDGET ANALYSIS

BACKGROUND:

The Legislative Analyst has made the following recommendation relative to the POST budget for 1977-78:

" We recommend deletion of the assistant director and senior stenographer position recently assigned to the executive office for a savings of \$50,000 (Item 356). "

ANALYSIS:

The Legislative Analyst states the functions of the Technical Services Division were transferred to the other three divisions. This is only partially correct, since many of the functions of the Technical Services Division were retained as functions of the Executive Office.

His analysis also states that the Administration program now has two Assistant Directors. This is correct; however, one Assistant Director heads the Administration Division, with expanded responsibilities, while the second Assistant Director functions as the Assistant Executive Director. The Assistant Director in the Executive Office also has responsibilities to oversee many of the previous Technical Service Division activities, as well as several major projects which will be ongoing through Fiscal Year 1977-78.

Significant cost reductions in POST administration have been made through reorganization this year. Further reorganization is planned as I (only recently appointed) become more conversant with my responsibilities, requirements, and options. The position of Assistant Director in the Executive Office is almost a necessity at this point, in order to allow my participation in the numerous statewide activities which will help make my position most effective.

ANALYSIS: (Continued)

I am in agreement with the need to eliminate one Assistant Director position in the future. However, it should be noted that one Assistant Director is reaching the maximum retirement age and will retire near the end of Fiscal Year 1977-78. His position will be vacated through attrition and will not be refilled.

We are currently reviewing our support staff requirements and are investigating alternatives that may allow us to reduce the total number of these positions through more efficient methods. In my opinion, a Senior Stenographer position should not be deleted until the total package relative to our needs and the alternatives available within the State system has been evaluated.

RECOMMENDATIONS:

1. Concur with the recommended deletion of the Assistant Director position, provided it is effective in Fiscal Year 1978-79.
2. Request no deletion of support positions until Fiscal Year 1978-79, when it is anticipated Commission-initiated staff reductions will be presented as part of the proposed POST budget.
3. Transmit this report, with Commission recommendations, to the Legislative Analyst and Department of Finance.


WILLIAM R. GARLINGTON
Executive Director

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET

Agenda Item Title Course Certification/Decertification		Meeting Date March 25, 1977
Division Standards and Training	Division Director Approval <i>Brad Koch</i>	Researched By Bradley W. Koch
Executive Director Approval <i>W. R. Barlig</i>	Date of Approval 2-22-77	Date of Report February 25, 1977
Purpose: Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report <input type="checkbox"/> Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No <input type="checkbox"/>		

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page ____).

Pursuant to the authority granted to the Executive Director by the Commission at its January 21 meeting, the following courses have been certified for presentation:

<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Fiscal Impact</u>
Investigation and Prosecution of Organized Crime in Pornography	DOJ-Advanced Training Center	Technical	IV	\$2,475

Summary:

Vice Investigation training of which this course is a part, was identified in the Training Needs Assessment as a Priority II. job specific need. The statewide potential is 440 trainees. One hundred trainees - 50 reimbursable, 50 District Attorney Investigators - are expected to be trained in four sessions at various locations within the State. Total cost to POTF is estimated at \$2,475. There are no similar course certifications available to compare the cost against, however, the cost is very minimal since the training is brought to the user at presenter's expense.

<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Fiscal Impact</u>
Homicide Institute	Rio Hondo College	Technical	IV	\$23,610

Summary:

Criminal investigation is a number one priority identified in the POST Training Needs Assessment study. This course will be offered to all law enforcement officers having completed a Basic Course. This course has been presented, once each year, at Yuba College. There presently is a demand for the course in the Southern California area. In addition to the Federal Bureau of Investigation, instructors will include investigators from the following local agencies: Los Angeles Police Department, Los Angeles District Attorney's Office, Los Angeles County Coroner and San Jose Police Department.

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<u>Course Title</u>	<u>Presenter</u>	<u>Course Category</u>	<u>Reimbursement Plan</u>	<u>Fiscal Impact</u>
Special Problems in Jail Custody	CSU, San Jose	Technical	III	\$18,800

Summary:

A 24-hour course for supervisory and management personnel with custodial assignments to provide specific and updating training in classification, population problems, interest groups, media and community relations, and care standards. This training is Priority I statewide for sheriffs' departments.

COURSE CERTIFICATION ACTION								
Course Title Investigation and Prosecution of Organized Crime in Pornography		Date of Request 12/6/76	Identification No. 76-12-28					
Presenter DOJ-Advanced Training Center		Location of Presentation Various locations in State						
Course Category Technical	Reimbursement Plan IV	Certification Period 2/21/77 thru 2/21/78						
No. of Presentations 4	No. of Course Hours 36	Tuition Cost N/A						
Action Requested <input checked="" type="checkbox"/> Certification <input type="checkbox"/> Modification <input type="checkbox"/> Decertification <input type="checkbox"/> Contract <input type="checkbox"/> Other _____								
Researched By <i>W. J. Sullivan</i>	Reviewed By Bureau Chief <i>W. J. Sullivan</i> Div. Dir. <i>Burk</i>	Executive Director <i>W. J. Sullivan</i>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date 2-22-77				
<p>SUMMARY: Vice Investigation training of which this course is a part, was identified in the Training Needs Assessment as a Priority II, job specific need. The statewide potential is 440 trainees. One hundred trainees - 50 reimbursable, 50 District Attorney Investigators - are expected to be trained in four sessions at various locations within the State. Total cost to POTF is estimated at \$2,475. There are no similar course certifications available to compare the cost against, however, the cost is very minimal since the training is brought to the user at presenter's expense.</p> <p>RECOMMENDATION: It is recommended that the 36-hour course entitled, "Investigation and Prosecution of Organized Crime in Pornography," be certified under Plan IV to the Department of Justice, Advanced Training Center.</p> <p>FISCAL IMPACT:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="padding: 2px;">Total Cost \$2,475</td> <td style="padding: 2px;">Cost for One Course \$618.75</td> <td style="padding: 2px;">Cost Per Student \$49.50</td> <td style="padding: 2px;">Unusual Cost <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>					Total Cost \$2,475	Cost for One Course \$618.75	Cost Per Student \$49.50	Unusual Cost <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Cost \$2,475	Cost for One Course \$618.75	Cost Per Student \$49.50	Unusual Cost <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
<p>ANALYSIS: This 36-hour course is designed to provide the investigator with the knowledge to investigate and prosecute organized crime figures that are controlling pornographic activities. The thrust of the training will lean toward civil prosecution such as restraint of trade (anti-trust).</p> <p>The course will be presented four times during the year, training approximately 100 law enforcement investigators (50 reimbursable, 50 D.A. Investigators) at various locations throughout the State. Department of Justice will provide the instructional staff at no cost to the POTF - they are asking for Plan IV certification to pick up travel and per diem cost of attendees. Vice investigation training, of which this course is a part, was identified in the Training Needs Assessment as a Priority II, job specific training need.</p>								
Utilize reverse side if required								

Standards and Training Division

COURSE CERTIFICATION ACTION					
Course Title Homicide Institute			Date of Request Feb. 1, 1977	Identification No. 77-02-42	
Presenter Rio Hondo College		Location of Presentation Rio Hondo College			
Course Category Technical	Reimbursement Plan IV	Certification Period 1 year			
No. of Presentations 2 each year	No. of Course Hours 80	Tuition Cost None			
Action Requested <input checked="" type="checkbox"/> Certification <input type="checkbox"/> Modification <input type="checkbox"/> Decertification <input type="checkbox"/> Contract <input type="checkbox"/> Other _____					
Researched By Ted Morton	Reviewed By Bureau Chief <i>[Signature]</i> Div. Dir. <i>[Signature]</i>		Executive Director <i>[Signature]</i>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	Date 2-23-77
<p>SUMMARY: Criminal investigation is a number one priority identified in the POST Training Needs Assessment study. This course will be offered to all law enforcement officers having completed a Basic Course. This course has been presented, once each year, at Yuba College. There presently is a demand for the course in the Southern California area. In addition to the Federal Bureau of Investigation, instructors will include investigators from the following local agencies: Los Angeles Police Department, Los Angeles District Attorney's Office, Los Angeles County Coroner and San Jose Police Department.</p> <p>RECOMMENDATION:</p> <p>Approve</p>					
FISCAL IMPACT:					
Total Cost \$23,610	Cost for One Course \$11,805	Cost Per Student \$295	Unusual Cost	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>As a result of recent per diem increases from \$28 to \$35 per day, the course cost per student compares favorably to the course cost of \$201.64 per student at the Homicide Institute presented at Yuba College.</p> <p>ANALYSIS:</p> <p>The investigation at the crime scene frequently causes evidence to be destroyed, suspects to escape detention, evidence to be removed improperly at the crime scene, and lack of proper preparation for court.</p> <p>This course will cover such subjects as psychology of murder, crime scene search, recognition of homicide, use of the polygraph and numerous other subjects presented by acknowledged experts in the subject field. Students will also be involved in a night problem.</p> <p><u>Course Presentations</u></p> <p>The first course presentation will be April 4-15, 1977.</p> <p>The second course presentation is tentatively scheduled for September 12-23, 1977.</p> <p>Utilize reverse side if required</p>					

535-700

COURSE CERTIFICATION ACTION					
Course Title Special Problems in Jail Custody			Date of Request 12/3/76	Identification No. 76-12-27	
Presenter California State University, San Jose			Location of Presentation Los Gatos, California		
Course Category Technical		Reimbursement Plan III		Certification Period One Year	
No. of Presentations Four		No. of Course Hours 24		Tuition Cost \$100.00	
Action Requested <input checked="" type="checkbox"/> Certification <input type="checkbox"/> Modification <input type="checkbox"/> Decertification <input type="checkbox"/> Contract <input type="checkbox"/> Other					
Researched By <i>Frank S. Brown</i>		Reviewed By Bureau Chief <i>BWL</i> Div. Dir. <i>BWL</i>		Executive Director <i>W. M. Salzman</i> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Date 2-18-77	
<p>SUMMARY:</p> <p>A 24-hour course for supervisory and management personnel with custodial assignments to provide specific and updating training in classification, population problems, interest groups, media and community relations, and care standards. This training is Priority I statewide for sheriff's departments.</p>					
<p>RECOMMENDATION:</p> <p>That California State University, San Jose be certified to present a Jail Custody Course: one year certification; 4 presentations; Plan III; tuition \$100; 24 hours; 20 students.</p>					
FISCAL IMPACT:					
Total Cost \$18,800		Cost for One Course \$4,700		Cost Per Student \$235	
				Unusual Cost <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>The average cost of a similar technical course with reimbursement under Plan III is \$214.</p>					
<p>ANALYSIS:</p> <p>By administrative mandate of the Board of Corrections, all custodial personnel must attend a custodial basic course (the POST Jail Operations Course). Additionally, custodial managerial personnel must attend a custodial management course (the POST Jail Management Course). Annual in-service training is also mandated that may be met by attendance at a POST Advanced Officer Course if the subject matter is appropriate to a jail assignment.</p> <p>Sheriff's department management believes that additional training in the area is needed by their custodial personnel. Statewide the sheriff's departments have placed such training in Priority I (rank 4/4.33) of the Training Needs Assessment Survey. Locally (areas III and V) the departments have indicated a need to train approximately 270 personnel.</p>					
Utilize reverse side if required					

The requested course has been developed primarily by the Santa Clara Sheriff's Department in conjunction with the staff of the Administration of Justice Bureau of California State University, San Jose. It is intended to serve as an updating medium for managerial and supervisorial personnel with custodial assignments. Specific areas addressed will include classification systems, jail population crises, management of interest groups, special population and maintenance of prison care standards.

The requested course is frankly experimental and the first proposed in this area. The area consultant will monitor the first presentation (March 9-11, 1977).

Memorandum

: POST Commissioners

Date : March 2, 1977

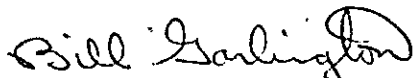
Executive Director

From : **Commission on Peace Officer Standards and Training**

Subject: POST Objectives for 1977

The responsibilities or objectives of POST staff, detailed in the following pages, are submitted so you will be aware of our collective commitment to accomplish certain work products during 1977.

Follow-up and evaluation is an important part of this process. We will analyze our successes and failures on a regular basis in order to find out if what we are attempting is reasonable, reachable and desired by those we serve.



WILLIAM R. GARLINGTON

POST Objectives for 1977

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MISSION OF POST

The POST mission is, through the provision of service and establishment of voluntary standards, to serve the following threefold purpose:

- To raise the level of competence of local law enforcement officers through adoption of minimum selection and training standards. (13510 P.C.)
- To help improve the administration, management and operation of local law enforcement agencies by providing a counseling service. (13513 P.C.)
- To provide law enforcement with service and assistance by developing and implementing programs designed to increase effectiveness and professional expertise. (13503(e) P.C.)

GOALS OF POST

The POST Mission is supported by the following specific goals:

- To establish minimum standards and guidelines for the selection and training of law enforcement personnel.
- To require law enforcement agencies to meet minimum selection and training standards.
- To establish and maintain quality training courses designed to improve the performance of law enforcement personnel.
- To provide assistance to improve management operational practices in law enforcement agencies.
- To conduct needed research and serve as a resource center for law enforcement.
- To administer an effective financial aid program to help subvent the costs of training local law enforcement personnel.

Executive Office Division Objectives - 1977

1. To insure that every POST employee receives a performance evaluation and counseling relative to career expectations.

Results

- To insure that each employee knows the standard of performance expected and how management perceives his performance in relation to this standard
- To insure assistance to the individual in attaining career goals.

Method

- Articulate standards of performance expected for each position classification.
- Assure each rater is provided with the same rating policy to apply to subordinate personnel.
- Assure proper review of each rater's ratings, consistent with organizational objectives.
- Provide career counseling and guidance as necessary.

Standard of Performance

Establish program in conjunction with the Administration Division's personnel function by July 1, 1977.

Comments: (Reason for non-completion; need for extension; etc.)

Executive Office Objectives - cont.

2. To complete preparation of the Basic Course Revision and documentation. Coordinate and evaluate pilot presentations.

Results

To assure appropriate basic training is available on a timely, cost-effective basis.

Method

- Select appropriate academies for evaluation.
- Establish appropriate reporting procedures for costs incurred by category, i.e., instruction, equipment, role players, evaluators, etc.
- Establish appropriate performance-based training courses for academy coordinators and instructors.
- Conduct appropriate workshops to upgrade instructional modules that are part of the guidelines system.
- Provide tracking of graduates with feedback loops from the users of instruction to the presenters of instruction.
- Publish revisions, as necessary, to basic documentation.
- Arrange for development of appropriate examinations to assure adherence to a state standard and quality maintenance.

Standard of Performance

- Decrease in washout rate, due to academic failure, through use of remedial loops (desirable performance is 25% in first year).
- Establishment of cost per trainee at an appropriate level based on first-year performance (would be the standard).

Comments: (Reason for non-completion; need for extension; etc.)

Executive Office Objectives - cont.

3. To prepare Annual Report describing major accomplishments and some projections for the new year.

Results

To insure availability of usable document to be furnished in response to requests, as part of presentations to professional organizations, and as content in appropriate certified courses.

Method

- Evaluation of the past year's accomplishments by Division Directors, coordinated by the Executive Office.
- Inclusion of Commission direction as reflected in budgeted programs.

Standard of Performance

First draft to be ready by February 28, with final draft to the printer by March 15, 1977.

Comments: (Reason for non-completion; need for extension; etc.)

Executive Office Objectives - cont.

4. To implement a word processing system that can be utilized by POST staff as well as all client agencies.

Results

To develop expeditious processing of typewritten and/or reproduced documents with maximum quality and a reduction in the present clerical staff.

Method

Explore various word processing systems that are available, evaluate them against our needs, and obtain the appropriate system. May include use of California Law Enforcement Teletype System (CLETS) for more effective contact with law enforcement agencies.

Standard of Performance

- Research to be completed by March 1, 1977.
- Alternatives examined and appropriate system adopted by March 15, 1977.
- System implemented as soon thereafter as possible, consistent with State Procurement requirements.

Comments: (Reason for non-completion; need for extension; etc.)

Executive Office Objectives - cont.

5. To complete electronic data processing study; select appropriate hardware and software and convert principal records.

Results

To provide more timely information and retrieve data not now available in order to assist in program management and decision making.

Method

Will be determined by the research currently being conducted, after review for applicability.

Standard of Performance

More timely and adequate data for preparation of Commission reports, compliance activities, scheduling and coordinating training courses, etc.

Comments: (Reason for non-completion; need for extension; etc.)

Executive Office Objectives - cont.

6. To develop an effective system of recording and tracking the status of pending legislation.

Results

To assist in conducting legislative activities on behalf of the Commission which will enhance the "leadership role" the Commission has adopted.

Method

- Examine operations of other state agencies maintaining legislative liaison activities.
- Insure appropriate training for POST staff relative to the legislative process and Commission policy.
- Insure cooperation in analysis of pending legislation among all POST Divisions.

Standards of Performance

Measured by the meeting of administrative deadlines established for each piece of legislation. These typically include committee meeting hearing dates, Commission meeting mailing dates, and legislative committee meeting dates.

Comments: (Reason for non-completion; need for extension; etc.)

7. Ongoing Objectives

- a. Expansion of the manual, "State Laws of Interest to POST", to include reference to pertinent PAM Regulations, Attorney General's Opinions, Legislative Counsel, and court decisions.
- b. Resolve the "ADA problem" by drafting legislation.
- c. Complete and distribute Commission Policy Manual.
- d. Prepare and distribute four editions of POST Scripts.
- e. Coordinate preparation of all new or modified Regulations or Procedures in POST Administrative Manual and POST Internal Manual.
- f. Maintain addressograph list and address rosters.
- g. Coordinate printing and publication of all POST documents.

Standards and Training Division Objectives for 1977

1. To reduce agency non-conformance with Commission Regulations and Procedures.

Results

Improved personnel selection and training practices.

Method

- Conduct a minimum of one selection and one training compliance check annually.
- Encourage the proper use of POST selection documents and programs.
- Assist training officers to utilize POST planning aids and to keep adequate training records.

Standard of Performance

Reduce non-conformance within a one-year period by 25%

Comments: (Reason for non-completion; need for extension; etc.)

2. To improve course presentations.

Results

Better trained law enforcement officers.

Method

- Close liaison with presenters.
- Monitoring and auditing courses.
- Evaluating each new course and recommending whether it be continued.
- Analyzing and evaluating Course Evaluation Instrument results.

Standard of Performance

During 1977, improve the mean average of the course ratings on the Course Evaluation Instrument by .2% and conduct an evaluation of each training course.

Comments: (Reason for non-completion; need for extension; etc.)

Standards and Training - cont.

3. To develop a strategy for determining the effectiveness of peace officer training.

Results

The methodology to be utilized to measure the effectiveness of POST certified training programs.

Method

- Through research by POST staff and/or special consultants, including input from presenters, users, and other pertinent sources.
- If feasible, pursue funding by contract or grant resources.

Standard of Performance

Development of a process or method to measure the effectiveness of peace officer training by December 31, 1977.

Comments: (Reason for non-completion; need for extension; etc.)

4. To develop statewide standardized course titles.

Results

Course listings which by title will give the potential user accurate information about the content of the training course and its reimbursement category.

Method

- Application of performance objective concepts.
- Securing complete descriptions of courses from presenters.
- Course audits to verify accuracy of descriptions.
- Develop titles.

Standard of Performance

A complete list of courses with standardized titles used in the POST program

Completion date: December 31, 1977

Comments: (Reason for non-completion; need for extension; etc.)

Management Services Division Objectives for 1977

1. To compile, evaluate, and index research material and survey data by subject matter, for use by POST staff and law enforcement agencies.

Results

Research data more readily available, and survey recommendations may be evaluated and utilized in a more productive manner.

Method

- Review and catalogue current material by subject matter.
- Evaluate and add new reference material.
- Conduct weekly training program for staff.

Standard of Performance

The program will lessen the gap in presently available information needed by consultants in preparation of survey and project reports. The training program will increase consultants knowledge and capability in survey work. The program will be ongoing and not limited to a time frame.

Comments: (Reason for non-completion; need for extension; etc.)

Management Services - cont.

2. To complete the backlog of surveys now in various stages of completion and keep abreast of current incoming survey requests.

Results

More timely response to requests for counseling assistance from law enforcement agencies.

Method

- Train management counselors to ascertain agencies' needs in a more systematic manner.
- Reduce the written report to only an analysis of the problems and make recommendations for their solutions.
- Use experts from California law enforcement agencies to assist with solution of special problems in which POST staff has little expertise.

Standard of Performance

By July 1, 1977, reduce the time for completion of any survey to no more than 60 days.

Comments: (Reason for non-completion; need for extension; etc.)

Administration Division Objectives for 1977

1. To provide the Commission and POST staff with appropriate budget planning and preparation direction.

Results

Assure adequate and timely budget planning, needs justification, and program evaluation.

Method

- In consort with Executive Director, establish budgeting policy.
- Determine organizational budget preparation needs.
- Examine current DOJ budget preparation materials for compatibility.
- Write budget preparation manual.
- Develop appropriate forms and procedures.
- Develop budgeting schedule.

Standard of Performance

Adoption of policy and procedures prior to July 1, 1977.

Comments: (Reason for non-completion; need for extension; etc.)

Administration - cont.

2. To increase local law enforcement jurisdiction ability to submit correctly prepared claims forms in conformance with Commission procedures.

Results

Reduce the number of submitted claims requiring either staff modification or resubmittal by agency.

Method

- Develop check sheet of problematical claim items that frequently require adjustment.
- Develop and disseminate guidelines for a reimbursement information form for optional use by agencies to obtain information from trainees after course attendance.
- Schedule reimbursement workshops by geographical area.
- Utilize POST Scripts articles to selectively identify problem areas and their solution.

Standard of Performance

Reduction of the number of present incorrectly submitted claims (38%) by 25% over a six-month period.

Comments: (Reason for non-completion; need for extension; etc.)

Administration - cont.

3. To increase local law enforcement jurisdiction's ability to submit reimbursement claims in conformance with Commission time procedures.

Results

Maximize legitimate reimbursement to field by reducing the percentage of late claims received.

Method

- Identify agencies with late-claim history.
- Implement selective agency telephone contact procedure to clarify POST policy and provide assistance.
- Coordinate "late claim" notification to Standards and Training Division to enable field contact and assistance.
- Develop a model training/claims "tickler" system for installation by local jurisdictions.

Standards of Performance

Through implementation of above methods in a sequential manner, reduce the number of claims requiring reduction from a present 1.7% to .5% over a six-month period.

Comments: (Reason for non-completion; need for extension; etc.)

4. To develop a strategy to enhance fiscal projections based upon law enforcement training needs, reimbursement expectations, and revenue sources.

Results

Assure an adequate POST budget planning base for Commission and local government decision making.

Method

- In conjunction with Standards and Training Division, identify a procedure to "match" master calendar projections with reimbursement experience.
- Identify mechanism to identify training projection/user attendance/reimbursement deviation.
- Identify what constitutes "acceptable" deviation(s) within planning estimates.
- Identify "control" procedures to limit or expand course offerings based upon reimbursement projection.

Standards of Performance

Ability to accurately forecast the need to adjust course offerings as determined by user need within a long-range fiscal projection. Implement operational model during 1977/78 Fiscal Year.

Comments: (Reason for non-completion; need for extension; etc.)

Administration - cont.

5. To develop and implement a contract administration procedure.

Results

Provide guidance in the preparation, approval, execution and evaluation of contracts for both POST staff and potential vendors.

Method

- Identify and specify key contract legal issues and obligations.
- Coordinate with Executive Director and Division Directors to ascertain organizational needs.
- Develop written procedure.
- Develop "needs" sheet for prospective vendors/contractors.
- Develop a short in-house course on how to write contracts.

Standards of Performance

Adoption of procedure, standardized process and the reduction of contractor/contractee misunderstanding.
Implement by July 1, 1977.

Comments: (Reason for non-completion; need for extension; etc.)

6. To provide a comprehensive skills training and career development program for POST personnel.

Results

Increase employee effectiveness and efficiency; sustain the highest level of service to the field; and enhance employee job satisfaction.

Method

- Assess the accumulated efforts of the "POST Training Committee".
- Coordinate completion of the identification of organizational (generic) and division-specific training needs through job analysis and consultation.
- Survey available state- and private-sponsored training programs. Identify appropriate causes.
- Develop method for systematic scheduling.
- Develop procedure to accurately capture staff training costs.

Standard of Performance

Adoption of methods and procedures, accurate training-cost determination, and improved employee skills.
Implement by July 1, 1977.

Comments: (Reason for non-completion; need for extension; etc.)

AGENDA ITEM SUMMARY SHEET

Agenda Item Title Law Enforcement Spousal Training		Meeting Date March 25, 1977
Division Standards and Training	Division Director Approval <i>Frank Lech</i>	Researched By Ronald T. Allen
Executive Director Approval <i>W. R. Barling</i>	Date of Approval 2-25-77	Date of Report February 17, 1977
Purpose: Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report <input checked="" type="checkbox"/> Financial Impact Yes (See Analysis per details) <input type="checkbox"/> No <input type="checkbox"/>		
In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page ____).		

BACKGROUND

Commissioner Holloway, at the January 20-21, 1977 Commission Meeting requested POST staff explore the feasibility of a 20-hour course for law enforcement spouses (husbands and wives). Commissioner Holloway wanted to know the practicality of such a course and the reimbursement possibilities for the course.

ANALYSIS

There are many law enforcement agencies and academies in the state presently offering some type of spousal training. (See Attachment A). The training generally is conducted in conjunction with the Basic Recruit Training Academies.

Some agencies, in addition to the Basic Spousal Orientation Training, conduct annual seminars. The seminars usually emphasize the importance of the spouse and family in the life of a law enforcement officer and occasionally emphasize such specific topics as alcoholism, divorce rates, and other problems related to the law enforcement profession.

Agencies that presently offer the spousal training have not indicated the desire for POST to certify existing courses or to be reimbursed for the training. The training is generally offered as an optional departmental in-service training program and is designed to meet local needs. The training is usually offered on weekends or evenings, similar to the regular semester training concept; therefore, no reimbursement has been required.

Spousal courses generally have in common participation by the Chief/Sheriff or a high ranking member of the Department and a psychologist or psychiatrist. The departmental presentation generally stress policy, shift assignments, community needs and other associated departmental needs. Presentations by the psychologist or psychiatrist generally focus on the stress of the job and its impact on family life.

Utilize reverse side if needed

CONCLUSIONS

There does seem to be a need for spousal training in California.

There are several programs available in the state that can meet most of the spousal training needs.

The types of programs presently being offered vary significantly to meet local agency needs.

The curricula is, or could be, made available to all Basic Academies and all training institutions.

Agencies presently offering the training have not indicated the need to have the training reimbursed by POST.

The potential cost to the Peace Officers' Training Fund could be substantial if reimbursement was offered to non-law enforcement individuals.

The training has not been identified as a highest priority by the recent training assessment needs project.

RECOMMENDATIONS

1. The POST staff develop a core curriculum including a lesson plan which could be used by local agency's trainers including Chief, Sheriff, psychologist, etc.
2. The Standards and Training staff encourage and assist agencies and academies to offer spousal training as part of the Basic Orientation training. (This will be included in the Basic Revision Activities).

ATTACHMENT A

The following are a few of the known agencies in the central part of the state that offer this training:

Kern County Sheriff's Department - will offer a 4-hour training program in conjunction with the next Basic Academy and/or as in-service departmental training.

Fresno County Sheriff's Department - offered training a few years ago. They plan to offer the program in the near future.

Modesto Regional Criminal Justice Training Center - offers an 8-hour training program.

Los Medanos Community College - offers a training program.

Stockton Police Department - offers a training program.

Additionally, in Southern California, the Los Angeles Sheriff's Department Academy, the Los Angeles Police Department Academy, the Long Beach Police Department Academy, and several other departments offer Spousal Training programs. The Los Angeles Sheriff's Department, for example, operates a 24-hour basis program for Recruit Officers' spouses. The program is offered 3 hours per day, 1 day a week for 8 weeks. The program allows spouses to receive department orientation, departmental tours, ride-a-long programs, overview of the police role in the criminal justice system, discussion with department psychologists, investigation techniques, self-defense techniques, and firearms training. The Los Angeles Sheriff's Department also offers an annual 8-hour spousal seminar. The annual program is open to all agencies. San Bernardino, Riverside, Orange and San Diego counties also offer some type of spousal training.

Training is also offered in the northern part of the state. The Sacramento Sheriff's Department and the Sacramento Police Department offer an 8-hour training program. The program deals primarily with the pressures and stress factors of officers and families. Several agencies indicate they do not presently have a formal spousal training program, but many indicate they do "informally" offer training. The "informal" training is usually conducted during the time of the background investigation of the potential law enforcement employee. The training is also conducted as an orientation program when the spouse is invited to the department for discussion with the agency head.

Memorandum

To : William R. Garlington
Executive Director

Date : February 25, 1977

Standards and Training Division
From : Commission on Peace Officer Standards and Training

Subject: AGENCIES NOT IN CONFORMANCE WITH POST REGULATIONS

At the January 21 Commission meeting, Commissioner McCauley requested a report which identified agencies not in conformance with the POST Regulations.

We are presently in the process of establishing a system which will provide us with an on-going record of those agencies not in conformance with Commission Regulations or procedures. However, until this system has been operating for some time, no accurate comparison figures will be available.

Because of recent increase in personnel allocated to the Standards and Training Division and an added emphasis on consultant field contacts, our proposed system will more accurately reflect agency status in the future. The increased staff is expected to work more closely with agencies with deficiencies and bring them into conformance in a more timely manner.

The following is a list of agencies who are known at the present time to not be in conformance with the Regulations; included is the reason for the deficiency, and the expected date of correction. The list is probably not all inclusive since some agencies have not been inspected for compliance in the past 5 or 6 months.

<u>Agency</u>	<u>Area of Non-Conformance</u>	<u>Deficiencies Noted</u>	<u>Expected Date of Correction</u>
Alhambra PD	Selection	No narrative reports	July 1977
Baldwin Park PD	Selection	No fingerprint cards	July 1977
Barstow PD	Selection	No narrative and need general assistance	July 1977
Bell Gardens PD	Selection	No narrative reports	May 1977

<u>Agency</u>	<u>Area of Non-Conformance</u>	<u>Deficiencies Noted</u>	<u>Expected Date of Correction</u>
Calipatria PD	Training	Basic training	July 1977
Chino PD	Selection	No birth certificate, high school diploma, police clearance, fingerprint card, military records, neighborhood check, and CII returns	December 1977
Cloverdale PD	Selection	No background narrative	March 1977
Colma PD	Selection	Incomplete documenta- tion of background investigation and no background narrative	March 1977
Colton PD	Training	Advanced Officer training	October 1977
Compton PD	Selection and Training	Numerous reasons	December 1977
Consumer Affairs, Department of, Division of Invest.	Selection	Background not adequate	June 1977
Corning PD	Selection and Training	Incomplete background, Advanced Officer Training deficiency	May 1977
Cotati PD	Selection	Incomplete documentation of background investiga- tion and no narrative report	March 1977
El Cajon PD	Training	Basic training, Advanced Officer training and 832	December 1977
Eureka PD	Selection	No FBI record check	March 1977
Ferndale PD	Selection	Incomplete documentation of background investiga- tion	April 1977
Fortuna PD	Selection and Training	Incomplete documentation of background investiga- tion, no personal history statement in file, no narrative report made, two officers deficient in basic training	February 1977

<u>Agency</u>	<u>Area of Non-Conformance</u>	<u>Deficiencies Noted</u>	<u>Expected Date of Correction</u>
Guadalupe PD	Selection and Training	Basic training and medical information	July 1977
Healdsburg PD	Selection and Training	No FBI record check in file, one officer deficient in basic training	March 1977
Hermosa Beach PD	Selection	Advanced Officer training	December 1977
Humboldt SO	Selection	No FBI record clearance in file	March 1977
Isleton PD	Selection and Training	Training and background not adequate	June 1977
La Verne PD	Training	Advanced Officer training	October 1977
Long Beach PD	Selection	DMV, background checks, CII/FBI returns, and miscellaneous other problems	December 1977
Los Angeles PD	Training	Advanced Officer training and Basic Certificates	December 1977
Los Angeles SO	Training	Advanced Officer training	August 1977
Lynwood PD	Training	Middle Management training	July 1977
Marin County Coroner	Selection and Training	One officer deficient in basic training, no background investigation made on one officer	August 1977
Marin SO	Selection	No background narrative	April 1977
McFarland PD	Training	Supervisory training	July 1977
Mono SO	Selection and Training	FBI, DOJ narrative report fingerprint card, etc. Supervisory training.	August 1977
Montclair PD	Training	Basic training	July 1977
Orland PD	Selection and Training	Incomplete background investigation, Advanced Officer Training deficiency	May 1977
Palm Springs PD	Training	Basic training	December 1977

<u>Agency</u>	<u>Area of Non-Conformance</u>	<u>Deficiencies Noted</u>	<u>Expected Date of Correction</u>
Palos Verdes Estates PD	Training	Basic Training	May 1977
Perris PD	Selection	No narrative report	May 1977
Pomona PD	Selection and Training	Advanced Officer training and narrative reports	July 1977
Redondo Beach PD	Selection	CII/FBI, DMV, etc.	May 1977
Redwood City PD	Selection	Incomplete documentation of background investigation and no FBI clearance in file	March 1977
Rio Dell PD	Selection	Incomplete documentation of background investigation and incomplete narrative report	April 1977
San Bernardino SO	Training	Advanced Officer training	November 1977
San Diego Co. DA	Selection and Training	Basic training, birth certificate, military record, neighborhood check, credit check, summary, and fingerprint cards	December 1977
San Diego Marshal	Selection and Training	Basic, Advanced Officer, and miscellaneous selection requirements	December 1977
San Diego PD	Training	Advanced Officer training	August 1977
San Francisco SO	Training	Basic, Management	December 1977
Santa Barbara PD	Training	Basic training	July 1977
Shasta County SO	Selection and Training	Advanced Officer training deficiency, incomplete background investigations	May 1977
Taft PD	Selection	No record checks	July 1977
Tehama Co. DA	Training	Supervisory training	May 1977
Tehama SO	Selection	Not prepared for inspection (incomplete background investigations)	May 1977

Brad
BRADLEY W. KOCH
Director
Standards and Training Division

State of California

Commission on Peace Officer Standards and Training

Section 13513, Penal Code, states: "Upon the request of a local jurisdiction, the Commission shall provide a counseling service to such local jurisdiction for the purpose of improving the administration, management or operations of a police agency and may aid such jurisdiction in implementing improved practices and techniques."

AGREEMENT

In conformance with the foregoing section, and in response to a resolution dated December 16, 1976, from the Police Commission of the City and County of San Francisco, in which administrative counseling service has been requested for the San Francisco Police Department, it is agreed that the Commission on Peace Officer Standards and Training will provide such service.

Conditions of Service

Starting at a time mutually agreed upon, the staff members of the Commission on Peace Officer Standards and Training will conduct a survey of the San Francisco Police Department.

The survey will consist of study and evaluation of the organization of the department, its management and operational processes. The survey will be accomplished through review and analysis of departmental reports, records, manuals and directives, and by observation of actual procedures, systems and techniques used in the operation. Members at various levels in the organization will be queried and pertinent responses will be utilized in the evaluation. Also members of local government and lay persons who may contribute significant information may be contacted.

It is agreed that POST staff members and special consultants working under the direction of POST in the study, shall be accorded the right to examine and review such pertinent records, directives, policies, and other written material which affect or influence the management and control of the San Francisco Police Department, and that department members cooperate and give reasonable assistance to the POST staff in order that the study may proceed expeditiously.

Upon completion of the study a written survey report will be submitted by POST to the Police Commission of the City and County of San Francisco. An additional number of copies of the report, as needed, will be given to the Police Commission at that time.

It is agreed that, after submission of the survey report, members of the

POST Law Enforcement Management Services staff are to return to the department at regularly designated intervals as agreed upon for the purpose of reviewing progress in the implementation of the survey recommendations deemed appropriate for implementation by the City of San Francisco. In each instance a summary progress report shall be prepared by the consultants for submission to the Police Commission. The scheduled return visits by the consultants are to be considered as a part of an on-going consultation process which will permit actual review and evaluation of the department's operations and give continuity and direction in the orderly development of improved organization and management practices for the San Francisco Police Department.

This agreement is structured primarily as a guide for the implementation of a cooperative plan. It does not give authority for arbitrary actions by the Commission on Peace Officer Standards and Training or members of its staff which would be incompatible or in conflict with the objectives of other agreeing parties.

It is understood that no cost shall accrue to the City of San Francisco for the POST counseling service or the survey report other than those mutually agreed upon.

This agreement is acceptable.

Richard J. Higgins, President
Police Commission
City and County of San Francisco

Dated January 17, 1977

W. J. Anthony
Commission on Peace Officer Standards
and Training - Chairman

Dated January 21, 1977

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823



EXECUTIVE OFFICE
(916) 445-4515

January 25, 1977

ADMINISTRATION
Certificates
Reimbursements
(916) 322-2235

STANDARDS AND TRAINING
(916) 322-2180

ADMINISTRATIVE COUNSELING
(916) 445-0345

TECHNICAL SERVICES
(916) 445-4515

Mayor George Moscone
City Hall
Civic Center
Room 200
San Francisco, CA 94102

Dear Mayor Moscone:

The San Francisco Police Commission has requested the Commission on Peace Officer Standards and Training to conduct a general management survey of the San Francisco Police Department.

Our Commission has agreed to undertake the survey as provided under Section 13513 Penal Code. Members of our consulting staff are now in San Francisco working on the survey. It is expected that it will take approximately five months to complete the work and prepare a survey report.

We hope the results of the survey will serve as a positive factor to improve, in some measure, the management processes of the police department and increase the effectiveness and efficiency of law enforcement in San Francisco.

Please be assured of our cooperation in this important endeavor. If you have any questions or desire further clarification of any of the survey work, please let me know.

Sincerely,

A handwritten signature in cursive script, reading "W. J. Anthony".

WILLIAM J. ANTHONY
Chairman

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

100 BOWLING DRIVE, SUITE 250
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(916) 445-4515

Quentin L. Kopp, Chairman
City and County of San Francisco
Board of Supervisors
City Hall
Civic Center
Room 235
San Francisco, CA 94102

Dear Mr. Kopp:

The San Francisco Police Commission has requested the Commission on Peace Officer Standards and Training to conduct a general management survey of the San Francisco Police Department.

Our Commission has agreed to undertake the survey as provided under Section 13513 Penal Code. Members of our consulting staff are now in San Francisco working on the survey. It is expected that it will take approximately five months to complete the work and prepare a survey report.

We hope the results of the survey will serve as a positive factor to improve, in some measure, the management processes of the police department and increase the effectiveness and efficiency of law enforcement in San Francisco.

Please be assured of our cooperation in this important endeavor. If you have any questions or desire further clarification of any of the survey work, please let me know.

Sincerely,



WILLIAM J. ANTHONY
Chairman



Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET

Agenda Item Title Commission Policy and Procedure		Meeting Date March 25, 1977
Division Executive Office	Division Director Approval <i>[Signature]</i>	Researched By Brooks W. Wilson
Executive Director Approval <i>[Signature]</i>	Date of Approval 3-3-77	Date of Report March 3, 1977
Purpose: Decision Requested <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Status Report <input type="checkbox"/> Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No <input type="checkbox"/>		
In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page _____).		

Staff has been directed to report on actions taken by the Commission which establish or affect Commission policies and procedures. This report is to be made at each meeting for action taken at the previous meeting. The following actions were taken by the Commission at the January 21, 1977, meeting.

1. Course Certification. The Commission delegated course certification authority to the Executive Director with the following stipulations.
 - a. All courses, approved or denied, will be on a Consent Calendar at each Commission meeting.
 - b. The Certification Committee will continue to serve to be called upon to give guidance to the Executive Director on matters of a controversial nature.
 - c. The Commission shall serve as a hearing board on appeal to resolve differences between presenters and/or users who may not be in agreement with the Executive Director's decisions.
 - d. All matters concerned with contracts or agreements shall continue to be considered by the full Commission.
2. Life Experience Degree Programs. The Commission adopted the following policy regarding life experience degree programs.
 - a. Education points and college degrees which are acquired through the award of units based on experience are accepted only as follows:
 - No more than 40 units of credit based on experience are included in the transcripts related to the award of a baccalaureate degree.
 - No more than six units of credit based on experience are included in an individual's transcript that has not resulted in the award of a degree.
 - No more than six units of credit will be allowed for other than law enforcement occupational, supervisory or managerial experience.
 - Units of credit based on experience are limited to courses which are offered by the awarding educational institution.

Utilize reverse side if needed

2. Life Experience Degree Programs. (Continued)

- Transcripts which include units of credit based on experience are accompanied by an explanation by the educational institution relative to the award of such units.
- Experience or training related to law enforcement is allowable only once; either to satisfy the experience or training requisites for the issuance of a professional certificate, or as awarded units of credit for experience.

3. Reimbursement of Civilian Employees

- a. The Commission decided it would not provide reimbursement for any civilian employee attending a mandated course.
- b. The Commission decided it would provide salary and out-of-pocket reimbursement for civilians attending job specific training programs.

The POST Advisory Committee is discussing all of the above issues and may wish to request additional consideration by the Commission in the future.

Commission on Peace Officer Standards and Training

AGENDA ITEM SUMMARY SHEET			
Agenda Item Title Review of Labor Management Course Concepts		Meeting Date March 25, 1977	
Division Management Services	Division Director Approval <i>Edmund J. Thornton</i>	Researched By David Y. Allan, Chief Center for Police Mgmt.	
Executive Director Approval <i>William R. Harrison</i>	Date of Approval 2-28-77	Date of Report February 22, 1977	
Purpose: Decision Requested <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Status Report <input type="checkbox"/> Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No <input checked="" type="checkbox"/>			
In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page ____).			
<p><u>BACKGROUND</u></p> <p>As a result of discussions at the Commission meeting on January 20-21, 1977 in Sacramento, staff was directed to review the area of Labor Management Courses, the legality of their funding, the current availability of such courses, and the associated issue of enrollment restrictions.</p> <p><u>ANALYSIS</u></p> <p>While specific policy in this area does not currently exist, the Commission has considered certification of courses containing such subject matter in the past. In October 1974, the Commission rejected a certification request from the University of San Francisco for a course entitled, "Labor/Management Relations". The chairman pointed out that many appropriate labor/management courses were available to local agencies. During 1974, the Commission moved toward requiring "topic specific" subject areas in Executive Development and Middle Management Seminars. A number of seminars were modified to "topic specific" in October 1974 and subsequently decertified in January 1975. "Collective Negotiations" at California State University, Long Beach, was one such course. Again, it was suggested that many universities offer such courses and the subject area was not a top priority in police training.</p> <p>The recently published <u>Operational Plan Training Needs Assessment</u> disclosed Police Labor Management Relations ranking ninth out of 19 management training skill needs for city police, sheriffs' departments, and statewide. Personnel Management ranked first in city police, fourth in sheriffs' departments, and third statewide. As the management training skills were not specifically defined, it is unclear whether respondents tended to include labor management within personnel management. Police Labor Management Relations and Personnel Management received values of 3.67 and 3.98 respectively on a scale of five statewide. Police Labor Management Relations ranked sixth for large cities when viewed by type of community served.</p>			

Utilize reverse side if needed

A brief review of available courses discloses 14 organizations presenting at least 29 separate offerings in California. An overview of the organization and course titles together with course lengths and costs is attached. While the presentations are designed primarily for managers and administrators in the public sector, there appears to be no enrollment restrictions. In fact, many of the offerings which utilize a workshop format encourage employee organizations and unions to participate. In addition to courses currently available, the Management Development Institute of the State Personnel Board is currently designing courses in labor management for state and local agencies.

ALTERNATIVES

1. Do not certify courses which train "management" and/or "employees" in labor negotiation.

Clarification Note: Labor management, personnel management, employee relations, etc., courses not affected.

2. Treat certification requests for labor management as any other course.

LABOR MANAGEMENT
PROGRAMS OFFERED IN CALIFORNIA

- Intergovernmental Management Development Institute, Oakland, California
 - "Labor Negotiations" Two Days \$40
 - "Negotiations Simulation" Three Days \$240 inc. R/B
 - "Cost of Labor Relations" Two Days \$40

- American Management Associations, New York
 - "Practice Sessions in Collective Bargaining" Three Days \$470

- The Traffic Institute, Northwestern University, Evanston, Illinois
 - "Workshop on Collective Bargaining in Law Enforcement Agencies" Four Days \$250

- Institute for Industrial Relations, U. C. L. A.
 - "Symposium on Labor Relations for Government Managers" Two Days \$90
 - "Impasse Resolution in Public Sector Disputes" One Day \$30
 - "Collective Bargaining and The Merit System" One Day \$15
 - "Grievance Handling and Preparing for Arbitration" One Day \$10
 - "Training of Managers in Labor Relations" Two Days \$30

- University of California, Berkeley
 - "Collective Negotiations Simulation" Three Days \$175
 - "Training of Trainers in Labor Relations" Two Days \$40
 - "Collective Negotiations Simulation Module" Three Days \$100

- International Association of Chiefs of Police, Gaithersburg, Maryland
 - "Police Collective Bargaining Workshop" Four Days \$275
 - "Police Discipline Workshop" Four Days \$275
 - "Contract Negotiations and Administration" Four Days \$300
- Northern California Institute of Local Government, Chico
 - "Grievance Handling" One Day \$40
 - "Public Sector Labor Relations" Five Days \$75
 - "Employer-Employee Relations" One Day \$35
- Labor-Management School, University of San Francisco
 - "Financial Reporting for Unions and Management" 18 Hours \$40
 - "Legal Rights and Obligations of Employers and Unions and Their Members" 18 Hours \$40
 - "Collective Bargaining Procedures" 18 Hours \$40
- U.S. Civil Service Commission, San Francisco
 - "Arbitration and Other Third Party Hearings in Labor Relations" Three Days \$90
 - "Collective Bargaining Negotiations" Five Days \$195
- National Civil Service League, Washington, D.C.
 - "The Reality of Labor Relations in the Government Service" Two Days \$130
- Valley Regional Training Center, Fresno
 - "Negotiation Simulation Workshop" Three and One-Half Days \$175
- School of Public Administration, U.S. C.
 - "Collective Bargaining in the Public Sector" Two Days \$100
- Justice Research Associates, Costa Mesa
 - "Police Labor Relations - Collective Negotiations" Three Days \$275
- Institute for Manpower Management, Washington, D. C.
 - "Wage and Salary Administration" Three Days \$275
 - "Labor - Management Relations" Four Days \$300
 - "Negotiating Techniques" Three Days \$275

Memorandum

TAB G.

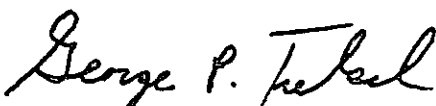
To : POST COMMISSION

Date : March 14, 1977

From : Commission on Peace Officer Standards and Training

Subject: ADVISORY COMMITTEE MEETING REPORT - MARCH 3-4, 1977

A number of issues of concern to the Commission were discussed at the last meeting. Those issues for which specific recommendations were made by the Committee are attached.


GEORGE TIELSCH
Chairman, POST Advisory
Committee

Attachment

Advisory Committee Meeting Report

March 3-4, 1977

ADA ISSUES

The full Advisory Committee reviewed the recommendations of its Subcommittee on ADA. After discussion, the Committee developed the following recommendations for the guidance of the Commission's Committee on ADA:

1. Generally support the open enrollment concept for ADA funded academies.
2. Develop a standardized evaluation test for basic academy graduates.
3. Introduce legislation this year to:
 - a. Require preferential enrollment for employed officers.
 - b. Allow formal screening of applicants for admission to the basic academy based on local advisory board's rules.
 - c. Resolve the "out-of-district" cost problem by requiring district of residence to pay ADA to district of attendance.

EMPLOYEE RELATIONS SEMINARS

The Committee was made aware that the Commission will discuss this issue at its March meeting. The Committee believes that the Commission should certify such presentations and specifically recommended:

That POST develop course outlines and course content for employee relations seminars.

The consensus of the Committee was they generally agree with the staff report, but since this is a vital issue, POST should develop the curricula to prevent slanted presentations.

LIFE EXPERIENCE DEGREE PROGRAMS

The Committee reviewed the policy approved by the Commission at its January meeting. The Committee, by motion, wished to convey to the Commission that:

The Advisory Committee supports the policy adopted by the Commission at the January meeting.

REIMBURSEMENT POLICY - CIVILIAN EMPLOYEES ATTENDING BASIC COURSE

The Commission in January approved a specific policy recommendation from the Advisory Committee which prohibits reimbursement for civilian employees attending mandated courses. The Committee discussed and recommends to the Commission the following modification of that policy:

The employing agency may claim reimbursement for attendance at the basic course by civilian employees if and when those employees are appointed to peace officer positions. Only the agency which employed the civilian employee can claim this subsequent reimbursement. Such a claim for reimbursement is exempted from regulations imposing time constraints for submitting claims.

PUBLIC MEMBER APPOINTMENT TO ADVISORY COMMITTEE

The Committee has requested that Chief William Kinney, upon his retirement, be considered for re-appointment to the Committee as a Public Member.

Memorandum

To : COMMISSIONERS

Date : February 24, 1977

From : Commission on Peace Officer Standards and Training

Subject: Legislative Review Committee Report

	<u>Attachments</u>
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II. Proposed POST Seminar on Mandatory Certification (Police Licensing)	B
III. Review of Legislation Introduced to Date:	
a. Status of POST's Legislation	C
b. AB 192 - Confidentiality of Medical and Psychotherapy Records	D
c. SB 236 - Polygraph Examiners Licensing	E
d. DMV Administrative Hearings - Pilot Project	F
e. AB 517 - Federal Peace Officers: Powers	G



HERBERT E. ELLINGWOOD
Chairman, Legislative Review
Committee

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RULES OF ORDER AND PROCEDURE
FOR THE CONDUCT OF MEETINGS OF THE
CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

THE CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING DOES ADOPT
002 AS FOLLOWS:

003 SECTION 1. PURPOSE. That it is the intention and purpose of the Commission
004 on Peace Officer Standards and Training, by adoption of this resolution, to
005 provide rules of order and procedure for the conduct of its meetings.

006 SECTION 2. RULES OF ORDER AND PROCEDURE. The rules of order and procedure
007 for the meetings of the California Commission on Peace Officer Standards and
008 Training are as follows:

RULES OF ORDER AND PROCEDURE

009 1.00 MEETINGS

010 1.01 Regular Meetings. Regular meetings of the Commission will be set by
011 the Commission for the calendar year at the last meeting of the preceding
012 year. If at any regular meeting, business before the Commission remains
013 unfinished, the Commission may adjourn and reconvene from time to time to dispose of the
014 same or to transact any other business. Less than a quorum may so adjourn
015 from time to time. If all members are absent from any regular or adjourned
016 regular meeting, the Executive Director may declare the meeting adjourned to
017 a stated time and place, and he shall cause a written notice of the adjournment
018 to be given in the same manner as provided in Section 1.02 for special meetings,
019 unless such notice is waived as provided for special meetings. A copy of the
020 notice of adjournment shall be conspicuously posted on or near the door of
021 the place where the regular, adjourned regular, special, or adjourned special
022 meeting was held within 24 hours after the time of the adjournment.

023

023 1.02 Special Meetings. Special meetings may be called at any time by the
024 Chairman or on the request of six Commissioners. The Commission Secretary will
024 deliver personally or
025 mail a written notice to each member of the Commission and to each agency
026 and person requesting notice in writing. Such notice must be delivered
027 personally or by mail at least twenty-four hours before the time of such
028 meeting as specified in the notice. The call and notice shall specify the
029 time and place of the special meeting and the business to be transacted.
030 No other business shall be considered at such meetings by the Commission.

036
036

036 1.03 Meetings to be Public. All regular and special meetings of the
037 Commission shall be open to the public, except for such executive sessions
038 which may be allowed to be held in private by the State Agency Act or other
039 laws of the State of California.

040
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040 1.04 Study Sessions. The Commission shall have the right at any time to
041 assemble so as to be apprised of the various matters
042 coming up at a regular meeting or special meeting and obtain such detailed
043 information in regard thereto as will enable them to dispose of such matters
044 more intelligently at the regular or special meeting to follow. The public
045 may attend, as provided in Section 1.03; however, discussion by the public
046 will not be encouraged, so that the Commission may use the time to ask and
047 answer questions of the staff and other resource people. The public may
048 address the Commission in Study Session following the same procedure as in
049 Section 3.07. Notices of the meeting shall conform to Section 1.02, and an
050 agenda shall be published as part of the notice.

051
051 1.05 Executive Sessions. The Commission may hold Executive Sessions during
052 a regular or special meeting to consider the appointment, employment or
053 dismissal of an employee or to hear complaints or charges against such
054 employee by another public officer, person or employee unless such employee
055 requests a public hearing. The Commission may also exclude from such
056 Executive Sessions, during the examination of a witness, any or all other
057 witnesses in the matter being investigated by the Commission.

058
058 The Commission may hold Executive Sessions to consult privately with the
059 Attorney General and such other officers and employees whose presence is
060 determined by the Commission to be necessary and/or other attorneys
061 representing the Commission under circumstances in which the lawyer-client
062 privilege governed by Evidence Code Sections 950-962 may be lawfully
063 asserted.

064
064 1.06 Facilities for Commission Meetings. Regular and Special meetings of
065 the Commission shall be held in a suitable facility. Arrangements for use
066 of such facility shall be made by the Executive Director. If a suitable
067 facility is not available, the public hearing may be continued
068 to a date when a suitable alternate facility will be available. The
069 Commission shall not conduct any regular meeting or special meeting in any
070 facility that prohibits the admittance of any person, or persons, on the
071 basis of race, religion, creed, color, national origin, ancestry or sex.
071 Section 13510 of the Penal Code provides that public hearings shall be held
072 to adopt, amend or repeal Commission Regulations. Such hearings shall be conducted
072 pursuant to the Administrative Procedure Act.

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072
073 1.07 Public Hearings. The Commission, in setting the time and place for
073 public hearings, may state the amount of time to be devoted to said public
074 hearings. Anyone desiring to speak to the Commission on the subject of the
075 public hearing may submit a written request therefore in advance of the
076 meeting. The Commission Secretary shall provide the Commission copies of
077 such written requests in the order in which received. Persons submitting
078 such requests will be heard as time permits in the order determined by the
079 Commission. Requests to speak received by the Secretary at the meeting at
080 which the public hearing is held shall also be heard. In
081 the conduct of the public hearing, the Presiding Officer or any member of
082 the Commission may direct those making the presentations to avoid repetition
083 in order to permit maximum information to be provided the Commission within
084 the time allotted to the presentations. The Commission shall evaluate all testimony
084 prior to final adoption of any proposed revision.

085
085
085 1.08 Continuance of Hearings. Any hearing being held, or noticed or
086 ordered to be held, by the Commission at any meeting may by order or notice
087 of continuance adopted by the Commission be continued or recontinued to any
088 subsequent meeting in the same manner and to the same extent set forth in
089 Section 1.01 for the adjournment of meetings; provided if the hearing is
090 continued to a time less than 24 hours after the time specified in the order
091 or notice of hearing, a copy of the order or notice of continuance of hearing
092 shall be posted immediately following the meeting at which the order or notice
093 of continuance was adopted.

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094 2.00 AGENDA
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095 2.01 Declaration of Policy Re Agenda. It is hereby established as the
096 policy of the Commission that no resolution, motion or item of business,
097 except of an emergency or administrative nature, shall be introduced before
098 the Commission at its regular meetings without having prior thereto been
099 placed upon a written Agenda furnished to each member of the Commission
100 at least one week prior to such regular meeting. All Commission meetings
101 shall follow the prepared Agenda unless changed by direction of the
102 Chairman.

103 2.02 Written Agenda to be Prepared. Not later than one week
104 prior to any regular meeting, or at such earlier time as the Commission may from
105 time to time, specify, the Executive Director shall prepare and furnish to
106 each member of the Commission, and to such other persons as the Commission
107 and law shall designate, a written Agenda for such regular meeting. Such
108 Agenda shall also be available to the press and the public prior to the
109 meeting. The Commission Agenda, with all
110 attachments, shall be available at the office of the Commission for perusal
111 by interested citizens by 9:00 a.m. of the day before the Commission meeting.
112 Any item of business shall be placed
113 upon the written agenda prior to the deadline announced or observed for the
114 preparation thereof at the request of the Chairman or of any individual
115 Commissioner or of the Executive Director.

116 2.03 Written Communications. The Commission agenda will include an
117 item entitled "Written Communications". Each written communication directed to
117 the Commission will be acknowledged
118 by a form letter indicating when the written communication will be referred

119 to the Commission. Written communications will not appear
120 upon the Commission agenda as individual matters, but will be distributed
121 to the Commission and the Executive Director separate from the agenda. Each
122 communication will be considered and acted upon by the
123 Commission only upon the request of the Chairman or a member of the
124 Commission. Those not brought up for consideration shall be deemed received
125 without any formal action by the Commission. Appropriate replies will be
126 made by the Executive Director or other person designated.

127

127 If a written communication includes a request to address the Commission on
128 a subject not scheduled for discussion by the Commission, the Commission will
129 consider such request at the time the item "Written Communications" is before
130 it. It will determine if it wishes to have such matter discussed and, if so,
131 will designate the meeting at which it will be discussed.

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3.00 CONDUCT OF THE MEETING

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3.01 Consent Calendar. The Executive Director may place agenda items
on the consent calendar for action by the
Commission. Any item placed on the consent calendar shall appear in its
regular order on the agenda together with the recommendation of the Executive
Director as to the action to be taken by the Commission with respect to such
item. The items to be considered on the consent calendar shall be listed at
the head of the first page of the agenda. Upon the motion of any member of
the Commission, all items placed upon the consent calendar may be acted upon
together, and each shall be deemed to have received the action recommended by
the Executive Director; except that if any member of the Commission objects

143 to the placement of an item on the consent calendar, or if any member of the
144 public wishes to address the Commission on any such item, the item shall be
145 deemed removed from the consent calendar and shall be heard and acted upon
146 as part of the regular agenda.

147 3.02 Order of Business. At the hour set for each regular meeting, the
148 Commission and Executive Director, Commission Secretary or their alternates and such
149 staff members as have been requested by the Executive Director to be present,
150 shall take their seats. The business of the Commission shall be taken up
151 for consideration and disposition in the following order as set forth in the
152 agenda published by the Commission Secretary, except upon direction of the
153 Chairman of the Commission matters may be taken up out of order.

156 1. Roll Call and Introduction of Guests

157 2. Approval of Minutes

158 3. Consent Calendar, Approval of Agenda

159 4. Public Hearings

160 5. Agenda Topics. Those with spokesmen to be considered earlier than routine
161 items of business.

162 6. Written Communications

163 7. Emergency and/or Administrative Items

164 8. Adjournment

165 3.03 Call to Order - Presiding Officer. The Chairman, or in his absence, the
166 Vice Chairman shall take the chair precisely at the hour appointed for the
167 Commission meeting, and shall immediately call the meeting to order.
168 Upon the arrival of the Chairman, the Vice Chairman shall immediately
169 relinquish the chair at the conclusion of the business immediately before the
170 Commission. In the absence of the Chairman or Vice-Chairman, the Executive

Director shall call the meeting to order, whereupon a temporary chairman shall be elected by the members of the Commission present. Upon the arrival of the Chairman or Vice-Chairman, the temporary chairman shall immediately relinquish the chair at the conclusion of the business immediately before the Commission. The person holding the chair in accordance with this rule is deemed the presiding officer.

3.04 Roll Call. The Secretary shall call the roll of the members and the names of those present shall be entered in the minutes.

3.05 Copy of Minutes to be Mailed to Commission Members. The Secretary shall send a copy of the unadopted minutes thereof to each member of the Commission with the agenda package for the subsequent meeting.

3.06 Reading of Minutes. Unless the reading of the minutes of a Commission meeting is requested by a member of the Commission, such minutes may be adopted without reading.

3.07 Requests to Address the Commission. Any person who wishes to address the Commission may request to do so by asking permission of the presiding officer. Subject to majority vote of the Commission, an oral request to address the Commission shall be approved. Written requests to address the Commission will follow the procedure as outlined in Section 2.03.

3.08 Manner of Addressing Commission; Time Limit.

- a. Protocol. Each person addressing the Commission shall give his name and address in an audible tone of voice for the record and, unless further time is granted by the Commission, shall limit his address to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Chairman and Commission

199 and the person having the floor, shall be permitted to enter into any
200 discussion, either directly or through a member of the Commission, without
201 the permission of the presiding officer. No question shall be asked of a
202 Commissioner or member of the staff except through the presiding officer.
203
203 b. Speaker for Group of Persons. Whenever any group of persons wishes to
204 address the Commission on the same subject matter, it shall be proper for the
205 presiding officer to request that a speaker be chosen by the group to
206 address the Commission and, in case additional data or arguments are to be
207 presented at the time by any other member of said group, to limit the number
208 of persons so addressing the Commission and the scope of their remarks, so
209 as to avoid unnecessary repetition.

216
216
216 3.09 Decorum. No member of the public shall approach the Commission
217 table while the Commission is in session, unless specifically requested to do
218 so by the presiding officer. Any message to or contact with any member of
219 the Commission while the Commission is in session shall be through the
220 Secretary. Unruly conduct, such as undue noise, hissing, profanity, insults
221 or physical disturbance shall not be permitted. Any person making personal,
222 impertinent, or slanderous remarks or who shall become boisterous while
223 addressing the Commission shall be forthwith barred by the presiding officer
224 from further audience before the Commission at said meeting, unless permission
225 to continue is granted by a majority vote of the Commission.

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226 3.10 Enforcement of Decorum. Any staff member on duty or whose services are
227 commandeered by the presiding officer shall be Sergeants-At-Arms of the
228 Commission meetings. Such person, or persons, shall carry out all lawful orders and
229 instructions given by the presiding officer for the purpose of maintaining
30 order and decorum at the Commission meetings. Upon instructions of the

231 presiding officer, it shall be the duty of the Sergeants-At-Arms to place
232 any person who violates the order and decorum of the meeting under arrest, and
233 cause him to be prosecuted under provisions of applicable law, the complaint
234 to be signed by the presiding officer.
235

235 3.11 Continuation of the Meeting. In the event that any meeting is willfully
236 interrupted by a person, a group, or groups of persons so as to render the orderly
237 conduct of such meeting unfeasible, and order cannot be restored by removal of
238 individuals who are willfully interrupting the meeting, the members of the
239 Commission may order the meeting room cleared and continue in session. Only
240 matters appearing on the agenda may be considered in such a session. Duly
241 accredited representatives of the press or other news media, except those
242 participating in the disturbance, shall be allowed to attend any such session.
243 As a matter of public policy, it is in the public interest to allow duly
244 accredited representatives of the press or other news media who were not involved
245 in the disruption to attend the sessions from which members of the general
246 public have been excluded by reason of a willful disturbance. The Commission
247 may direct the Sergeants-At-Arms to readmit any individual, or individuals,
248 who in their judgment were not responsible for interrupting the orderly
249 conduct of the meeting.

001 4.00 DUTIES AND PRIVILEGES OF COMMISSION MEMBERS

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002 4.01 Rules of Debate

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a. Presiding Officer. The Presiding Officer may debate and vote. The Presiding Officer shall not be deprived of any of the rights and privileges of a Commissioner by reason of his acting as the Presiding Officer, except as set forth in Section 5.02.

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b. Obtaining the Floor; Improper References to be Avoided. A Commissioner desiring to speak shall address the chair and, upon recognition by the Presiding Officer shall confine himself to the question under debate.

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c. Interruptions. A Commissioner, once recognized, shall not be interrupted when speaking unless it is to call him to order. If a Commissioner is called to order while speaking, he shall cease speaking until the question of order be determined and, if in order, he shall be permitted to proceed.

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d. Limitation of Debate. No Commissioner shall speak more than once upon any one subject until every other Commissioner wishing to speak thereon has spoken. Each Commissioner may speak for not more than thirty (30) minutes at any one time. He may speak longer, if he so requests, subject to a majority vote of the Commission.

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023 4.02 Voting.

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a. Quorum. A majority of the Commissioners shall constitute a quorum.

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b. Abstention. A Commissioner abstaining from voting on an issue has forfeited his right to vote, and it shall not be counted.

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c. Vote; Tie Vote. Except as otherwise provided by law, the vote of the majority of the members of the Commission shall be necessary to adopt any resolution or motion. Any question on which the vote is tied, is lost. The

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030 Presiding Officer or any Commissioner may request the Executive Director to
031 carry over the item to the next regular meeting where a full Commission will
032 be present.

033 d. Demand for Roll Call. Upon demand of any Commissioner, or by discretion of
034 the Presiding Officer expressed before the negative has been put, the roll
035 shall be called for yeas and nays upon any motion before the Commission. A
036 Commissioner shall not explain or comment on his vote during or after roll
037 call.

038 e. Sequence of Voting. Whenever a roll is taken, Commissioners shall be called
039 for their vote in alphabetical order.

043 4.03 Dissents and Protests. Any Commissioner shall have the right to dissent
044 from any action of the Commission or ruling of the Presiding Officer and have
045 the reason therefore entered in the minutes. Such dissent shall be in writing
046 and presented to the Commission not later than the
047 next regular meeting following the date of said action.

050 5.00 COMMISSION PROCEDURES

051 5.01 Precedence of Motions. When a question is before the Commission, no
052 motion shall be entertained except:

- 053 a. to adjourn
054 b. to fix the hour of adjournment
055 c. to lay on the table
056 d. for the previous question
057 e. to postpone to a certain day
058 f. to refer
059 g. to amend
060 h. to substitute
061 i. to postpone indefinitely
062

062 These motions shall have the precedence in the descending order indicated.
063 Any such motion, except a motion to adjourn, amend or substitute, shall be put
064 to a vote without debate.

065
065 5.02 Motions and Resolutions to be Stated by Chair. When a motion or
066 resolution is made and seconded, it shall be stated by the Chair before debate.
067 Any Commissioner may demand that it be put in writing.
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072 5.03 Withdrawal of Motions. A motion may not be withdrawn by the mover without
073 consent of the second.
074
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074 5.04 Motions Out of Order. The Commission, by majority vote, may permit a
075 member to introduce a resolution or motion out of the regular
076 order of the agenda.
077
077
077 5.05 Motion to Adjourn - When Not in Order - When Debatable. A motion to
078 adjourn shall be in order at any time, except as follows:
079
079 a. When repeated without intervening business or discussion
080 b. When made as an interruption of a member speaking
081 c. When the previous question has been ordered
082 d. While a vote is being taken, a motion to adjourn is debatable only as to
083 the time to which the meeting is to be adjourned.
084
084
084 5.06 Motion to Lay on Table. A motion to lay on the table shall preclude all
085 amendments or debate of the subject under consideration. If the motion
086 prevails, consideration of the subject may be resumed only upon motion of a
087 member voting with the majority.
088
088
088 5.07 The Previous Question. When a Commissioner's motion for the previous
089 question gets a second, the Presiding Officer shall allow no further debate
090 and shall ask "Shall the main motion now be put?" If the question carries,
091 the Presiding Officer shall put pending amendments to vote, without debate,
092 in the inverse order of their introduction, before putting the main question.

If the question, "Shall the main question now be put?" is decided negatively,
the main question and its amendments remain before the Commission.

5.08 Division of Question. If a question put before the Commission with a
second contains two or more separable propositions, the Presiding Officer
may, and upon request of a Commissioner shall, divide the question.

5.09 Amendments. When a motion to amend a question gets a second, the
Presiding Officer shall first cause the question to be read as it stands, then
the words proposed to be stricken and added and finally, the question as it
would stand if so amended.

5.10 Amend an Amendment. When a motion to amend an amendment has been
seconded and installed for debate, a motion to amend the same amendment further
shall not be in order.

5.11 Motion to Postpone. A motion to postpone, except one to postpone
indefinitely, may be amended as to time. If a motion to postpone indefinitely
carries, the main motion is lost.

5.12 Reconsideration. Any Commissioner who voted with the majority on a
question may move a reconsideration of that question at the same meeting in
which the decision was made, provided, however, that a resolution authorizing
or relating to a contract may be reconsidered at any time prior to execution
of the contract. After a motion for reconsideration has been acted on, no
other such motion on the same question shall be made without unanimous consent.

5.13 Anonymous Communications. Anonymous or unsigned communications shall
not be introduced.

5.14 Procedure in Absence of Rule. In the absence of a rule to govern a
point of procedure, "Robert's Rules of Order, Revised" shall be used to
decide a point or procedure.

119
119 5.15 Procedure for Appeal from Decision of Executive Director
120

- 120 0 a. The Commission Secretary shall read any correspondence received from the
121 person, hereinafter called "applicant" or "appellant", whose application or
122 appeal is being heard, and all other correspondence.
123 b. The staff report or summary will be presented by the Executive
123 Director or his designee.
126 c. The Presiding Officer shall call on the appellant to be heard.
126 Presentations shall be limited to ten (10) minutes and rebuttal
127 to five (5)
127 minutes, unless extended by permission of the
128 Commission.
129 The Presiding Officer shall rule out of order the presentation of information
130 containing changes from the applicant's documents upon which the Executive
131 Director has acted.
132

145
145 6.00 OFFICERS, EMPLOYEES AND COMMITTEES.
146

146 6.01 Attendance. The Executive Director and the Commission Secretary, or their
147 authorized designees shall attend each Commission meeting.
149

149 6.02 Executive Director. The Executive Director may participate in the
150 Commission's discussion, but shall have no vote.
151

151 6.03 Advisory Committee. The Advisory Committee Chairman shall attend each
152 meeting designated by request of the Commission
153 or the Presiding Officer and shall report to the Commission the progress and
154 action of his Committee.
155

State of California

Department of Justice

Memorandum

: COMMISSIONERS

Date : February 25, 1977

From : Commission on Peace Officer Standards and Training

Subject: Proposed POST Seminar on Mandatory Certification (Police Licensing)

ISSUE:

Should POST sponsor a Problem Solving Seminar to review the need for mandatory certification or licensing of peace officers?

BACKGROUND:

The Police Officers Research Association of California (PORAC) and the California Peace Officers Association (CPOA) have requested a POST Problem Solving Seminar to bring together interested law enforcement groups to review the need for mandatory certification of peace officers. At the July 1976 meeting, the POST Commission opposed AB 4249 which called for mandatory certification of peace officers by POST. As a result of POST opposition, AB 4249 was defeated in the legislature. PORAC has indicated its intention to re-introduce similar legislation again this year.

ANALYSIS:

The concept of mandatory certification or licensing of peace officers is closely related to other current professionalization issues such as: definition of a peace officer, POST certificate revocation, CPOA's Code of Professional Conduct and Responsibility, and others. If the Commission desires to approve a seminar on licensing, perhaps some of these peripheral issues would be addressed as well.

W. R. Garlington
WILLIAM R. GARLINGTON
Executive Director

Memorandum

: POST Commission

Date : February 14, 1977

Executive Office

From : Commission on Peace Officer Standards and Training

Subject: LEGISLATIVE REPORT

Active*


SB 126	Carpenter	Weapons Instruction: Baton and Tear Gas	Transfer course approval responsibility from POST to Department of Consumer Affairs.
SB	Garamendi	POST Commission: Quorum	Provides for the majority of Commission as quorum.
AB	Cline	POST Testing for Training Standards	Provides POST authority to test for state mandated training standards.
AB	Suitt	Reserve Training Standards	Establishes reserve training standards prescribed by POST.
SB	Presley	POST Course Approval and Certification	Makes distinction between course approval and certification.

Informational**

SCA 3	Mills	State Agencies: Evaluation	Requires the Legislative Analyst to study sunset laws.
SCA 8	Campbell	Legislature: Powers	Proposed constitutional amendment to provide for legislative approval and disapproval of regulations adopted by state agencies.
AB 15	McVittie	State Regulatory Agencies Abolition	Sunset Law
SB 16	Briggs	Criminal (Determinate) Sentencing	Would continue determinate sentencing.
ACA 17	McAlister	State Agencies: Regulations	Proposed constitutional amendment for legislative approval of regulations.
SCA 20	Presley	Sheriff: Elected	Requires sheriffs to be elected.

February 14, 1977

SB 36	Cusanovich	Motor Vehicle Records	Provides for the confidentiality of peace officer records. Sunset Law
SB 62	Campbell	State Regulatory Agencies: Abolition	
SB 63	Campbell	State Agency Regulations	Legislative approval of regulations.
SB 71	Carpenter	State Agencies Regulations	Filing of regulations.
SB 72	Carpenter	State Agencies: Abolition	Sunset Law
SB 79	Nejedly	Tear Gas - Use by Designated Officials	Would allow Department of Parks and Recreation peace officers to possess tear gas.
AB 81	Chappie	Identification of Dead Bodies	Requires coroners to make dental records.
SB 105	Alquist	State Agency Termination	Sunset Law
AB 110	Chacon	Department of Housing and Community Development	Would give peace officer authority to inspectors.
AB 122	McAlister	Counties: Supervisors	Precludes County Board of Supervisors from interfering with District Attorney or Sheriff.
AB 139	Arnett	Emergency Communications Training	Requires Department of Justice to establish regional training centers for disabled.
SB 164	Roberti	Local Safety Employees	Binding arbitration
SB 170	Roberti	Personal and Confidential Information	Regulates state agency records. (Analysis).
AB 192	Fazio	Medical and Psychotherapy Records	Confidentiality and requires waiver for access.
AB 216	Nejedly	Governor: Appointments	Appointments made by President Pro Tempore or Speaker
AB 235	McVittie	Concealed Firearms	License denial must have written statement for denial.
SB 236	Zenovich	Polygraph Examiners	Establishes new state licensing requirement and board.
AB 301	Duffy	State Regulatory Agencies	Sunset Law
AB 325	Mori	University of California Protective Services Officers	Provides them peace officer powers.
AB 330	Gualco	Community College: Apprentices	Requires apprentices to be counted as district residents.
AB 362	Priolo	State Agencies: Review	Sunset Law


HAROLD SNOW
Special Assistant,
Executive Office

BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	Medical and Psychotherapy Records: Confidentiality	AUTHOR	Fazio	BILL NUMBER	AB 192
SPONSORED BY	American Psychological Association	RELATED BILLS	AB 191	DATE LAST AMENDED	
BILL SUMMARY (GENERAL, ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)					

BILL SUMMARY: AB 192 would require all patient medical and psychotherapy records obtained by employers and others to be confidential. A written waiver must be obtained from the patient before such records could be released. Any receipt of such records or information contained in the records would be prohibited from subsequent disclosure without written consent from the patient.

ANALYSIS: The effect of this bill on POST would require the general waiver in the background investigator's manual be revised to comply with the waiver's specificity requirements of: 1) designation of specific records to be disclosed, 2) the person or persons to whom disclosed, and 3) the reason for the disclosure. The only other effect on POST would be our consultants in Standards and Training Division would not have access to medical and psychotherapy records for compliance inspections. However, this is not a major problem since our regulations only require that a medical examination be made.

The effect of AB 192 on law enforcement agencies as employers is less certain. Law enforcement agencies are required to conduct a thorough background and medical examination. Accordingly, many employers are using waivers to obtain job-related information. This law appears to have no effect on the unwritten principle that employers can deny employment based upon incomplete selection information.

FISCAL IMPLICATIONS/WORKLOAD CHANGES

INFORMAL POSITION

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold Snow	2-23-77		
EXECUTIVE DIRECTOR	DATE	COMMENT	

Info

CALIFORNIA LEGISLATURE—1977-78 REGULAR SESSION

ASSEMBLY BILL

No. 192

Introduced by Assemblyman Fazio

January 11, 1977

An act to add Section 1905 to the Code of Civil Procedure, to add Sections 49068.5 and 76408 to the Education Code; to add Sections 1261 and 1396.5 to the Health and Safety Code; to add Article 19 (commencing with Section 1115) to Chapter 1 of Part 2 of Division 1 of the Insurance Code; and to add Section 6409.5 to the Labor Code, relating to confidentiality of records, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 192, as introduced, Fazio. Medical and psychotherapy records: confidentiality.

Under existing law, medical or psychotherapy records which become judicial records are not required to be kept separate from other records in the court action or judicial proceeding and sealed after completion of the action or proceeding.

This bill would require that medical or psychotherapy records which become judicial records be kept separate from other records in the court action or judicial proceeding. The medical or psychotherapy records would be sealed after completion of the action or proceeding and would be confidential except that they could be used in appeals or other matters related to the original action or proceeding.

Under existing law, school districts, community college districts, health care service plans, employers, and insurance companies are not specifically prohibited from disclosing medical or psychotherapy records of patients to third parties without the consent of the patient or a parent, guardian, or conservator of the patient.

This bill would specify that all patient medical and psychotherapy records and information obtained by school districts, community college districts, health facilities, insurers, employers, and health care service plans would be confidential and may not be disclosed to additional parties without the written consent of the patient or his or her parent, guardian, or conservator except as otherwise specified by law. Any recipient of such records or information would be prohibited from subsequently disclosing them without written consent from the patient to do so.

This bill would appropriate an unspecified amount to the State Controller for allocation and disbursement to local agencies for costs incurred by them pursuant to this act.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1905 is added to the Code of Civil
2 Procedure, to read:

3 1905. Any medical or psychotherapy record which
4 becomes a judicial record shall be kept separate from
5 other records in the action or proceeding. Such medical
6 or psychotherapy records shall be sealed after completion
7 of the action or proceeding and shall be confidential
8 except that they shall be available for use in appeals or
9 other matters related to the original action or
10 proceeding.

11 SEC. 2. Section 49068.5 is added to the Education Code,
12 to read:

13 49068.5. Except as provided by paragraph (1) of
14 subdivision (b) of Section 49075, any pupil's medical or
15 psychotherapy record or information obtained by school
16 districts shall be confidential and shall not be disclosed to
17 additional parties without the written consent of the
18 parent or guardian of the pupil. In order for consent to
19 be effective under this section, the consent shall
20 designate the specific records or information that will be
21 disclosed, the person or persons to whom it will be
22 disclosed, and the reason for the disclosure. Any recipient

(1) 1 of such records or information may not subsequently
2 disclose such records or information to any other person
3 unless the recipient obtains written consent from the
4 parent or guardian to do so in the manner provided in
5 this section.

(C) 6 SEC. 3. Section 76408 is added to the Education Code,
7 to read:

8 76408. All student medical and psychotherapy records
9 shall be confidential and shall not be disclosed to
10 additional parties without the written consent of the
11 student. If the student is a minor, ward, or conservatee,
12 consent shall be obtained from the student's parent,
13 guardian, or conservator. In order for the consent to be
14 effective, the consent shall designate the specific records
15 or information that will be disclosed, the person or
16 persons to whom the records or information will be
17 disclosed, and the reason for the disclosure of the records
18 or information. Any recipient of such records or
19 information may not subsequently disclose such records
20 or information to any other person unless the recipient
21 obtains written consent from the student to do so in the
22 manner provided in this section.

(C) 23 SEC. 4. Section 1261 is added to the Health and Safety
24 Code, to read:

(e) 25 1261. All patient medical and psychotherapy records
26 and information obtained by health facilities shall be
27 confidential and shall not be disclosed to additional
28 parties without the written consent of the patient. If the
29 patient is a minor, ward, or conservatee, consent shall be
30 obtained from the patient's parent, guardian, or
31 conservator. In order for the consent to be effective, the
32 consent shall designate the specific records or
33 information that will be disclosed, the person or persons
34 to whom the records or information will be disclosed, and
35 the reason for the disclosure of the records or
36 information. Any recipient of such records or information
37 may not subsequently disclose such records or
38 information to any other person unless the recipient
39 obtains written consent from the patient to do so in the
40 manner provided in this section.

1 SEC. 5. Section 1396.5 is added to the Health and Safety
2 Code, to read:

3 1396.5. All patient medical and psychotherapy records
4 and information obtained by health care service plans
5 shall be confidential and shall not be disclosed to
6 additional parties without the written consent of the
7 patient. If the patient is a minor, ward, or conservatee,
8 consent shall be obtained from the patient's parent,
9 guardian, or conservator. In order for the consent to be
10 effective, the consent shall designate the specific records
11 or information that will be disclosed, the person or
12 persons to whom the records or information will be
13 disclosed, and the reason for the disclosure of the records
14 or information. Any recipient of such records or
15 information may not subsequently disclose such records
16 or information to any other person unless the recipient
17 obtains written consent from the patient to do so in the
18 manner provided in this section.

19 SEC. 6. Article 19 (commencing with Section 1115) is
20 added to Chapter 1 of Part 2 of Division 1 of the Insurance
21 Code, to read:

22
23 Article 19. Confidentiality of Medical and
24 Psychotherapy Records
25

26 1115. Except as otherwise provided in this article, all
27 medical and psychotherapy records and information with
28 respect to insureds obtained by insurers shall be
29 confidential and shall not be disclosed to additional
30 parties.

31 1116. An insurer may disclose a medical or
32 psychotherapy record or information to a third party only
33 after it has obtained written consent from the patient for
34 its disclosure. If the patient is a minor, ward, or
35 conservatee, consent shall be obtained from the patient's
36 parent, guardian, or conservator. In order for the consent
37 to be effective, the consent shall designate the specific
38 records or information that will be disclosed, the person
39 or persons to whom the records or information will be
40 disclosed, and the reason for the disclosure of the records

(A 1 or information. Any recipient of such records or
2 information may not subsequently disclose such records
3 or information to any other person unless the recipient
4 obtains written consent from the patient to do so in the
5 manner provided in this article.

(6 1117. A violation of any of the provisions of this article
7 shall be a misdemeanor. The district attorney, in addition
8 to any action that may be undertaken, shall report
9 violations of this article by insurers to the commissioner
10 for appropriate action.

11 SEC. 7. Section 6409.5 is added to the Labor Code, to
12 read:

13 6409.5. Except as provided in this chapter, all employee
14 medical and psychotherapy records obtained by
15 employers or insurers shall be confidential and shall not
16 be disclosed to additional parties without the written
17 consent of the employee. If the employee is a minor,
18 ward, or conservatee, consent shall be obtained from the
19 employee's parent, guardian, or conservator. In order for
20 the consent to be effective, the consent shall designate
21 the specific records or information that will be disclosed,
22 the person or persons to whom the records or information
23 will be disclosed, and the reason for the disclosure of the
24 records or information. Any recipient of such records or
25 information may not subsequently disclose such records
26 or information unless the recipient obtains written
27 consent from the employee to do so in the manner
28 provide in this section.

(ex 29 SEC. 8. The sum of _____ dollars (\$_____) is
30 hereby appropriated from the General Fund to the State
31 Controller for allocation and disbursement to local
32 agencies pursuant to Section 2231 of the Revenue and
33 Taxation Code to reimburse such agencies for costs
34 incurred by them pursuant to this act.

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BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Polygraph Examiners Licensing	Zenovich	SB 236
SPONSORED BY	RELATED BILLS	DATE LAST AMENDED
California Polygraph Examiners Association		
BILL SUMMARY (GENERAL, ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)		

SUMMARY: This bill would enact the Polygraph Examiners Act and would require a state licensing program for polygraph examiners. There would be created within the Department of Consumer Affairs a Polygraph Examiners Board with authority to establish requirements for such licenses and equipment. The bill would make it unlawful to conduct polygraph examinations unless licensed.

ANALYSIS: The bill would impact polygraph examiners in both the private and public sector. The Polygraph Examiners Board shall consist of five members appointed by the Governor, including three polygraph examiners with two years experience (one shall be employed with a law enforcement agency) and two members shall represent the lay public.

The board shall adopt regulations on such matters as the required training, form and content of required examinations, issuance and supervision of licenses, and fees.

Advantages:

- Help preclude incompetent persons from conducting polygraph examinations.
- May protect the consumer who use such services.
- Assist credibility of polygraph examination evidence.

Disadvantages:

- May serve to raise the benefits to polygraph examiners at local government's expense.
- Adds another state licensing-regulatory agency. If needed, could be administered by an existing agency.
- It is presumed most polygraph examiners are employed by law enforcement agencies. Board should have law enforcement representation at the administrative level.

COMMENTS: The author's office was unable to state whether this bill has the support of the Governor's Office. Mr. Mike Valles of Senator Zenovich's office states that the bill has no known opposition or support.

INFORMAL POSITION

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold Snow	2-23-77		
EXECUTIVE DIRECTOR	DATE	COMMENT	

Introduced by Senators Zenovich, Greene, and Presley
(Coauthors: Assemblymen Craven and Mangers)

February 2, 1977

An act to add Chapter 16 (commencing with Section 8950) to Division 3 of the Business and Professions Code, relating to polygraph examiners, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 236, as introduced, Zenovich. Polygraph examiners.

Existing law does not require a person who conducts a polygraph examination or calls himself a polygraph examiner to be licensed.

This bill would enact the Polygraph Examiners Act and would require any person who engages in conducting a polygraph examination or holds himself out as a polygraph examiner, as defined, to be licensed. The bill would set out the requirements for licensing and would provide for the regulation of such licensees.

The bill would create a Polygraph Examiners Board and provide for the qualification, duties and responsibilities of the members of the board.

The bill would make it unlawful to conduct polygraph examinations unless licensed. The bill would require all instruments or mechanical devices used for the purpose of detecting deception or of verifying the truth of statements made by individuals to be type-approved by the board.

The bill would establish the Polygraph Examiners Fund and would continuously appropriate monies in such fund to the board to carry out the purposes of the act.

The bill would also appropriate an unspecified amount to the State Controller for allocation and disbursement to local agencies for costs incurred by them pursuant to this act.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-

mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 16 (commencing with Section
2 8950) is added to Division 3 of the Business and
3 Professions Code, to read:

4
5 CHAPTER 16. POLYGRAPH EXAMINERS

6
7 Article 1. General Provisions

8
9 8950. This chapter shall be known and may be cited as
10 the Polygraph Examiners Act.

11 8951. (a) It is the purpose of this chapter to regulate all
12 persons who purport to be able to detect deception or to
13 verify the truth of statements through the use of
14 instrumentation or mechanical devices, including, but
15 not limited to, lie detectors, polygraphs, and
16 deceptographs.

17 (b) The provisions of this chapter shall be liberally
18 construed to regulate all persons described in subdivision
19 (a). No person who purports to be able to detect
20 deception or to verify the truth of statements shall be
21 exempted from the provisions of this chapter because of
22 the terminology that he may use to refer to himself, to his
23 instruments or mechanical devices, or to describe the
24 nature of his services.

25 8952. As used in this chapter, unless the context
26 requires otherwise, the following terms have the
27 following meanings:

28 (a) "Board" means the Polygraph Examiners Board.

29 (b) "Director" means the Director of Consumer
30 Affairs.

31 (c) "Internship" means the study by a trainee under
32 the personal supervision and control of a polygraph
33 examiner in accordance with the course of study
34 prescribed by the board at the commencement of such
35 study.

36 (d) "Person" means any individual, firm, association,

1 partnership, or corporation.

2 (e) "Polygraph examiner" means a person who
3 purports to be able to detect deception or verify the truth
4 of statements through the use of instrumentation or of a
5 mechanical device and licensed as such under this
6 chapter.

7 (f) "Trainee" means a person licensed under this
8 chapter in an internship.

9
10 Article 2. Application of the Chapter

11
12 8953. No person, including persons employed by a state
13 agency or public body in this state, may engage in
14 conducting a polygraph examination, refer to himself as
15 a polygraph examiner, or offer or advertise his services as
16 a polygraph examiner unless he is licensed under this
17 chapter as a polygraph examiner.

18 8954. No person may bring or maintain an action in any
19 court in this state for the recovery of compensation for
20 services performed by him as a polygraph examiner, or
21 upon a contract for any such services, unless such person
22 was licensed under this chapter as a polygraph examiner
23 at the time of the performance of such services as a
24 polygraph examiner.

25
26 Article 3. Administration

27
28 8955. (a) There is in the Department of Consumer
29 Affairs a Polygraph Examiners Board which consists of
30 five members each of whom shall be a citizen of the
31 United States and a resident of this state for at least two
32 years prior to appointment. Three members shall have
33 been engaged for a period of two consecutive years as
34 polygraph examiners prior to appointment to the board.
35 No two board members may be employed by the same
36 person or agency. At least one member shall be a
37 qualified polygraph examiner of a governmental law
38 enforcement agency and at least one member shall be a
39 qualified polygraph examiner in the commercial field.
40 Two members shall represent the lay public. The

1. members shall be appointed by the Governor.

2. (b) The terms of office of members appointed to the
3 initial board are: two for two years; two for three years;
4 and one for four years. Members thereafter shall be
5 appointed for a term of four years. Any vacancy in an
6 unexpired term shall be filled by appointment by the
7 Governor for the unexpired term.

8. (c) Each member of the board shall receive a per diem
9 and expenses as provided in Section 103. The board may
10 employ such persons as may be necessary, subject to civil
11 service and other provisions of law.

12. (d) The board shall meet within 30 days after the
13 appointment of the last member. At the meeting, the
14 board shall elect a chairman, a vice chairman, and a
15 secretary from among its members and the board shall
16 specify dates spaced at three-month intervals on which
17 examinations for polygraph examiners licenses will be
18 held. A copy of those dates shall be delivered to the
19 secretary.

20. (e) The vote of a majority of the board members is
21 sufficient for passage of any business or proposal which
22 comes before the board.

23. 8956. The duties of the board are to direct the director
24 concerning the administration of this law. The board may
25 issue regulations consistent with the provisions of this
26 chapter for the administration and enforcement of this
27 chapter and may prescribe forms which shall be used in
28 connection therewith. Such regulations shall be adopted,
29 amended and repealed in accordance with Chapter 4.5
30 (commencing with Section 11371) of Part 1 of Division 3
31 of Title 2 of the Government Code.

32. (a) The board shall establish the prescribed course of
33 study which will be accepted as approved training.

34. (b) The board shall establish standards for the training
35 of interns.

36. (c) The board shall prescribe the form and content of
37 the required examinations.

38. (d) The board shall decide on the issuance of licenses
39 and on the suspension or revocation of any license.

40. (e) The board shall conduct a hearing on the denial,

1 suspending or revocation of any license when such
2 licensee demands such hearing, in writing, within 30 days
3 of notice of the board's action. Such hearings shall be
4 conducted in accordance with Chapter 5 (commencing
5 with Section 11500) of Part 1 of Division 3 of Title 2 of the
6 Government Code. No material presented at any hearing
7 will be considered as public record in contravention of
8 any claim to privilege.

9 (f) The board shall establish the fees which shall be
10 collected under the provisions of this chapter in amounts
11 which shall not be more than is necessary to carry out the
12 provisions of this chapter.

13
14 Article 4. Licenses and Regulation

15
16 8957. There shall be two types of polygraph examiner
17 licenses:

18 (a) The trainee license which permits the holder to
19 engage in an internship.

20 (b) The general license which permits the holder to
21 administer polygraph examinations.

22 8958. (a) To become a trainee an applicant shall satisfy
23 subdivisions (a) to (d), inclusive, of Section 8959 and
24 have graduated from a polygraph examiners course
25 approved by the board.

26 (b) To receive a general license an applicant shall
27 satisfy subdivisions (a) to (f), inclusive, of Section 8959. A
28 trainee shall receive a general license upon satisfaction of
29 subdivisions (e) and (f) of Section 8959. The board shall
30 require such proof as is necessary to establish satisfaction
31 of the additional requirements.

32 8959. Any applicant for license as a general polygraph
33 examiner shall:

34 (a) Be at least 18 years of age.

35 (b) Establish to the satisfaction of the board that he is
36 a person of honesty, truthfulness, integrity, and good
37 moral character.

38 (c) Not have been convicted of a crime involving
39 moral turpitude.

40 (d) Have received a baccalaureate degree from a

1 college or university that is accredited by the American
2 Association of Collegiate Registrars and Admissions
3 Officers or, in lieu thereof, be a graduate of an accredited
4 high school and have at least five years of active
5 investigative experience before the date of his
6 application.

7 (e) Have graduated from a polygraph examiners
8 course approved by the board and have satisfactorily
9 completed at least 200 examinations.

10 (f) Have successfully completed an examination
11 conducted by the board to determine his competency to
12 act as a polygraph examiner.

13 8960. (a) Any person who is not a resident of this state
14 shall include with his application for a license or renewal
15 thereof an irrevocable written consent permitting the
16 director to act as his agent for the service of all legal
17 process in this state.

18 (b) In any action in a court of competent jurisdiction
19 in this state, service of process may be made upon a
20 polygraph examiner who does not reside in this state by
21 mailing two copies of the process to the director. The
22 director shall retain one copy of the process in the records
23 and immediately send, by certified or registered mail, the
24 other copy to the polygraph examiner at his most current
25 address as indicated by the records of the director.

26 8961. The board may grant a license as a polygraph
27 examiner in this state to a person who is licensed as a
28 polygraph examiner by another state or territory of the
29 United States, without examination, upon application by
30 such person in the manner prescribed by the board, if the
31 board finds that such person has each of the following
32 qualifications:

33 (a) Is at least 18 years of age.

34 (b) Was licensed pursuant to the requirements of such
35 other state or territory that, at the date of the issuance of
36 such license by such other state or territory, were
37 substantially equivalent, as determined by the board, to
38 the requirements of this chapter for the licensing and
39 regulation of polygraph examiners in this state.

40 (c) Has lawfully engaged in the administration of

1 polygraph examinations in such other state or territory
2 for at least two years prior to the date of the application
3 to the board.

4 (d) Is licensed by another state or territory that grants
5 reciprocity to polygraph examiners licensed in this state.

6 (e) If a nonresident of this state, has complied with the
7 requirements of Section 8960.

8 8962. Any person who has conducted polygraph
9 examinations for the two consecutive years prior to the
10 effective date of this chapter, who applies within 90 days
11 after the effective date of this chapter, and who
12 satisfactorily fulfills the requirements of subdivisions (a)
13 to (d), inclusive, of Section 8959, but is deficient in regard
14 to subdivision (e) or (f) of Section 8959, may, upon
15 application for a general examiners license and at the
16 discretion of the board, be granted a temporary
17 operating permit for a term of six months while such
18 deficit requirements are fulfilled. Any extension of time
19 must be approved by the board.

20 8963. (a) Each polygraph examiners license or trainee
21 license issued by the board under this chapter shall be
22 issued for a period of two years. The board may renew the
23 license of a polygraph examiner, unless such license has
24 been suspended or revoked, and upon compliance by the
25 person with:

26 (1) Proof of attendance of at least 24 hours of training
27 seminar within the previous two years.

28 (2) Other conditions as the board may prescribe.

29 (b) A person whose polygraph examiners license has
30 expired may obtain a renewal license without
31 examination upon application therefor within two years
32 after the date of the expiration of such license, upon
33 compliance by the person with:

34 (1) Proof of attendance of at least 24 hours of training
35 seminar within the previous two years.

36 (2) Payment of the required fee for such renewal.

37 (3) Other conditions as the board may prescribe.

38 (c) A person whose polygraph examiners license has
39 expired while he was an employee of any federal agency
40 or while he was on active duty as a member of the Armed

1 Forces of the United States or on active duty as a member
2 of the National Guard of this state may obtain a renewal
3 license, without examination, upon application therefor
4 within two years after the date of his termination of such
5 employment or active duty, upon compliance by the
6 person with:

7 (1) Proof of attendance of at least 24 hours of training
8 seminar within the previous two years.

9 (2) Payment of the required fee for such renewal.

10 (3) Other conditions as the board may prescribe.

11 8964. The board may refuse to issue, or may revoke or
12 suspend the license of any person as a polygraph
13 examiner or trainee, if it finds that the person has done
14 any of the following:

15 (a) Failed to inform an individual being examined as
16 to the nature of the examination or failed to advise the
17 individual or his representative of the results of the
18 examination.

19 (b) Failed to inform an individual being examined that
20 his participation in the examination is voluntary.

21 (c) Made a material misstatement in his application for
22 an original or renewal license under this chapter.

23 (d) Willfully disregarded or violated any provision of
24 this chapter or any regulation adopted pursuant thereto,
25 including but not limited to, the willful making of a false
26 report of a polygraph examination.

27 (e) Has demonstrated physical or emotional inability
28 or incompetency to carry out the duties of a polygraph
29 examiner.

30 (f) Has permitted a license granted to him under this
31 chapter to be used by another person.

32 (g) Has willfully aided or abetted any violation of this
33 chapter or any regulation adopted pursuant thereto.

34 (h) Has failed, within a reasonable time, to provide any
35 information requested by the executive director after the
36 receipt by the board of a complaint alleging that such
37 person has violated a provision of this chapter or any
38 regulation adopted pursuant thereto.

39 (i) If the holder of any license has been adjudged guilty
40 of the commission of a felony or misdemeanor involving

1 moral turpitude.

2 (j) Is a person of bad moral character, intemperate
3 habits or has a bad reputation for truth, honesty, and
4 integrity.

5 8965. Any unlawful act or violation of any of the
6 provisions of this chapter on the part of any polygraph
7 examiner or trainee shall not be cause for revocation of
8 the license of any other polygraph examiner for whom
9 the offending examiner or trainee may have been
10 employed, unless it shall appear to the satisfaction of the
11 board that the polygraph examiner-employer has
12 willfully or negligently aided or abetted the illegal actions
13 or activities of the offending polygraph examiner or
14 trainee.

15 8966. Upon receipt of written notification of the
16 suspension or revocation by the board of his license, a
17 polygraph examiner or trainee shall surrender
18 immediately his license to the director. The board may
19 restore a suspended or revoked license to the prior holder
20 thereof at such time and under such conditions as the
21 board deems appropriate.

22 8967. (a) A polygraph examiner shall prominently
23 display his license at his place of business or employment
24 and a trainee shall display prominently the trainee's
25 license at the place of his internship.

26 (b) A polygraph examiner shall notify the board in
27 writing of any change in his principal place of business
28 within 30 days after the date of such change. Upon
29 discovery by the board of a failure by a licensee to comply
30 with this section, the board shall suspend the license of
31 such polygraph examiner.

32 8968. Each polygraph examiner shall register with the
33 county clerk of each county in which he maintains a
34 business address. The county clerk shall maintain a list of
35 all the polygraph examiners registered in the county.

36 8969. (a) On and after _____, instruments or
37 mechanical devices that are used to test or question
38 individuals for the purpose of detecting deception or of
39 verifying the truth of statements made by the individuals
40 shall be type-approved by the board. To be approved,

1 each type of instrument shall record visually,
2 permanently, and simultaneously the cardiovascular
3 pattern, the respiratory pattern, and the galvanic skin
4 response of each such individual, and have a
5 manufacturers warranty of safety filed with the board.
6 The patterns of other physiological changes of any such
7 individual also may be recorded.

8 (b) Nothing in this chapter shall be construed to
9 restrict the development of improved equipment or
10 techniques. The board is authorized to grant either
11 conditional approval for research or general approval for
12 use of such equipment or techniques, subject to the
13 satisfactory showing of acceptable standards of accuracy
14 and reliability.

15 (c) On and after _____ no person may use any
16 instrument or mechanical device to test or question
17 individuals for the purpose of detecting deception or
18 verifying the truth of statements made by the individuals
19 that is not type-approved by the board. The board may,
20 in the name of the State of California, initiate and
21 maintain appropriate judicial proceedings, in the manner
22 provided by law for such proceedings, to enjoin the use
23 of any instrumentation or mechanical device that is not
24 type-approved.

25 8970. No polygraph examination shall be conducted or
26 administered by an examiner unless such examiner
27 makes known to the person to be examined each of the
28 following:

29 (a) That the taking of the examination is a voluntary
30 act on his part.

31 (b) That he may decline to take such examination and
32 such declination shall not be construed to disadvantage
33 him in any manner.

34 (c) The subject matter, or area of inquiry, and the
35 questions to be asked during the examination, which
36 questions shall be read aloud prior to the instrumental
37 examination. The person to be examined may be asked to
38 sign a written statement acknowledging that the
39 requirements of this section have been complied with by
40 the examiner and may be asked to sign a written

1 statement consenting to the disclosure of the
2 examination results.

3 8971. Any person who uses the services or facilities of
4 a polygraph examiner shall be deemed to have accepted
5 the conditions and requirements of Section 8970.

6 8972. A violation of any provision of this chapter or any
7 rule or regulation adopted thereunder is a misdemeanor.

8 8973. All fees collected pursuant to this chapter shall be
9 deposited in the Polygraph Examiners Fund, which fund
10 is hereby created in the State Treasury. The Polygraph
11 Examiners Fund is continuously appropriated to the
12 board to carry out the purposes of this chapter.

13 SEC. 2. The sum of _____ dollars
14 (\$_____) is hereby appropriated from the
15 General Fund to the State Controller for allocation and
16 disbursement to local agencies or school districts
17 pursuant to Section 2231 of the Revenue and Taxation
18 Code to reimburse such agencies for costs incurred by
19 them pursuant to this act.

BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	Administrative Adjudication of Traffic Infractions	AUTHOR	Vic Fazio	BILL NUMBER	---
SPONSORED BY	Department of Motor Vehicles	RELATED BILLS	SB 1949 (1976)	DATE LAST AMENDED	
BILL SUMMARY (GENERAL ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)					

SUMMARY: The State Department of Motor Vehicles with the Governor's Office support will introduce this legislative proposal to allow the processing, adjudication, and disposition of traffic infractions by an Administrative Adjudication Board on a pilot project basis in Sacramento, Placer and Yolo Counties. In 1976, this concept was proposed in SB 1949 but encountered opposition from law enforcement and others. SB 1949 was referred to interim study. Since then DMV has solicited comments and made numerous legislative changes in order to make the proposal more acceptable.

ANALYSIS: POST's interest is primarily the potential adverse impact on the Peace Officer Training Fund. On August 5, 1976 the attached suggested amendments to SB 1949 were provided to DMV which would have insured the administrative costs would be appropriated from the Driver Training Penalty Assessment Fund rather than the Peace Officer Training Fund. These suggested changes have been incorporated into the latest draft (attached) dated February 17, 1977. However, analysis of the revised proposal reveals a need for additional changes. These recommended changes, noted in italics on the attachment, are primarily to insure that the penalty assessment will be made on traffic infractions for the three county pilot program. The way the bill is now written, collection of penalty assessment would be interpreted to be the prerogative of DMV.

COMMENTS: In view of the response date of March 16, 1977, the attached recommended revisions were transmitted to DMV, however, no indication was given DMV as to the Commission's probable official position.

Attachments

FISCAL IMPLICATIONS/WORKLOAD CHANGES

INFORMAL POSITION

RECOMMENDATION: It is recommended the bill be opposed unless amendments are made.

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold Snow	2-24-77		
EXECUTIVE DIRECTOR	DATE	COMMENT	
<i>W. R. Barling</i>	2-25-77		

August 5, 1976

Thomas J. Novi
Manager, Program Evaluation
Section
Department of Motor Vehicles
P. O. Box 1828
Sacramento, California 95809

Dear Mr. Novi:

As a result of a meeting on August 4, 1976 between yourself, Judge James Brown and Harold Snow of our staff, POST was requested to provide suggested language to the Administrative Adjudication legislation which would negate adverse impact on the Peace Officer Training Fund. We are happy to provide these suggested amendments to Senate Bill 1949 which are found on the attachment.

Commission policy and practice directs POST to expression of positions on only matters within the scope of its responsibility and, therefore, our suggested amendments should not imply a position on the concept of administrative adjudication.

We are most appreciative of your sensitivity to our concern for the Peace Officer Training Fund. If you should have questions about our suggested amendments, please call upon Harold Snow at 445-4515.

Sincerely,

WILLIAM R. CARLINGTON
Executive Director

HLS:gb
Attachment

Commission on Peace Officer Standards and Training

Suggested Amendments to SB 1949
Administrative Adjudication of Traffic Infractions
(Amended May 5, 1976)

Page 11, Section 40702

This section should make a distinction between fines and penalty assessment money so that the Peace Officer Training Fund is not adversely affected.

Change:

All moneys collected pursuant to the provisions of this chapter *including Penalty Assessments* shall be deposited monthly in the *appropriate* account with the State Controller. The funds shall be disbursed *first in accordance with Vehicle Code Sections 42050, 42051 and 42052 and the remainder of funds* subject to the applicable provisions of Chapter 2 (commencing with Section 42200) of Division 18 after the moneys equal to the costs of the administrative adjudication program are deducted. Such moneys deducted for costs shall be deposited in the General Fund.

Page 14, Section 40750, Line 28

This section should make a distinction between the Penalty Assessment Fund and the Driver Training Penalty Assessment Fund.

Change:

Any loss of revenue occurring in any of the selected counties as a result of this demonstration project shall be compensated from the *Driver Training* Penalty Assessment Fund, . . .

STATE OF CALIFORNIA — BUSINESS AND TRANSPORTATION AGENCY

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P. O. BOX 1828

SACRAMENTO, CA 95809

(916) 445-5281



February 17, 1977

To: All Parties Interested in
Administrative Adjudication of Traffic
Infractions Legislation

The legislatively mandated (SCR 40) feasibility study on the Administrative Adjudication of Traffic Offenses recommended that a pilot project be conducted to study in detail the impact of administrative adjudication.

Enclosed is a draft version of legislation which will be introduced by Assemblyman Vic Fazio to implement the pilot project. This proposed legislation is similar to SB 1949 (introduced in April 1976) but includes a number of changes designed to resolve the concerns of various groups and individuals. The major differences between this legislation and SB 1949 are explained in the bill analysis which is also enclosed.

I would appreciate any comments you may wish to make about this proposal since I believe that the pilot project should be reasonably compatible with those who would be affected by the proposal. Questions or comments about the draft legislation may be addressed to Tom Novi, Director, Administrative Adjudication Project, Department of Motor Vehicles (445-2898). Please reply by March 16, 1977, if possible to allow time for us to incorporate suggestions into bill amendments.

Sincerely,

HERMAN SILLAS
Director

Enclosures

Legislative Proposal

Administrative Adjudication of Traffic Infractions

February 15, 1977

SUMMARY: Allows for the processing, adjudication, and disposition of traffic infractions by an Administrative Adjudication Board on a pilot project basis in three counties.

DETAILED ANALYSIS: Under existing law, disposition of a traffic infraction is handled by the court system. Persons charged with infractions are not entitled to a jury trial and are not subject to a jail sentence. The maximum fine upon a first conviction is \$50, for a second conviction within one year, \$100, and for a third conviction within one year, \$250. Persons not contesting the citation must deposit bail which is forfeited if they fail to appear at arraignment.

Trials of infractions may be handled by judges, traffic commissioners, or traffic referees.

Following conviction, the court forwards an abstract to the Department of Motor Vehicles. The Department may initiate a driver improvement treatment or, if action against the driving privilege is warranted, hold an administrative hearing.

This proposal would allow for traffic infraction processing, adjudication, imposition of sanctions, and license actions by hearing officers appointed by an Administrative Adjudication Board rather than solely by the courts, for all drivers including juveniles 16 years and over. This Board would be established to administer the program, promulgate rules and regulations, and to develop a uniform sanctions guide. This Board would be joined to the DMV for administrative and EDP support, but would be independent of the DMV and its Director in terms of program or policy decisions.

Misdemeanor and felony traffic offenses would continue to be processed and adjudicated in the courts.

Sanctions would be imposed according to a uniform sanction guide taking into consideration the driver's prior statewide driving record. The objective of the sanction would be to reduce traffic accidents. Judicial review would be available in Superior Courts following administrative review by the Administrative Adjudication Board.

A pilot project would be conducted in Sacramento, Yolo and Placer counties for five and one-half years. The results of the pilot would be evaluated in terms of cost, service to the public, improvement of driver behavior, and reduction of traffic accidents.

LEGISLATIVE HISTORY: The 1971 SR 160 Report recommended that a study be made of the feasibility of adjudicating minor traffic offenses administratively rather than in the courts.

In the 1975-76 analysis of the Governor's budget, the Legislative Analyst recommended that the DMV analyze the feasibility of administrative adjudication of traffic offenses.

SCR 40 (Res. CH 86, Stat. 1975) formally requested a feasibility study of administrative adjudication of traffic infractions to be conducted by the Department of Motor Vehicles. The feasibility study led to SB 1949, introduced in April, 1976 and SCR 103, introduced in May, 1976.

SB 1949 (R/S 1976) was referred to interim study in an effort to resolve certain issues that had been raised. This proposed legislation continues the thrust of SB 1949 but includes certain changes in an attempt to resolve major concerns raised by various interest groups.

Proposed Legislative Changes Made Since Introduction of SB 1949:

- . Infractions would remain a crime or public offense with concurrent jurisdiction. Legislative intent language would direct that the infractions be adjudicated administratively. This approach would be analyzed in the pilot project.
- . Administrative adjudication now includes the adjudication (not processing) of parking infractions.
- . When a combination infraction and misdemeanor/felony develop from the same event, both offenses would be adjudicated by the courts.
- . During the pilot project, the Administrative Adjudication Board would consist of five members, one a member of the California State Bar for at least five years, and one with traffic law enforcement background. Three of the Board members would be representatives (nominated by the Boards of Supervisors) of the counties in the pilot project. Board members would be appointed for the duration of the pilot project, and would receive annual salaries of \$6,250, with the president of the Board receiving an annual salary of \$6,500.

- . A seven member Administrative Adjudication Advisory Committee would assist and advise the Administrative Adjudication Board in the developing of rules, regulations, procedures and evaluation guidelines for the Administrative Adjudication Program Pilot Project to ensure that all operational considerations are fully examined.
- . The Administrative Adjudication Board may, in the interest of traffic safety, grant requests from individual counties for deviations, within defined limits, from the statewide uniform schedule of monetary sanctions.
- . In the interests of traffic safety, hearing officers will be allowed to vary the sanctions prescribed for individual infractions, within guidelines established by the Administrative Adjudication Board.
- . Hearing officer legal qualifications have been further defined to include training in administrative law, criminal law, constitutional law, and evidence.
- . The pilot project would be funded from the surplus existing in the Driver Training Penalty Assessment Fund. Penalty assessments collected would be paid back into the Penalty Assessment Fund, and all other revenues would be paid to the counties in the pilot project as is provided in the Vehicle Code (beginning with section 42200) for disposition of infraction fines and forfeitures.
- . The pilot project would be conducted in Sacramento, Yolo, and Placer counties for five and one-half years.
- . All answer options available will be explicitly enumerated and defined on the notice to appear.
- . A "no contest" option is provided for the motorist desiring neither to admit nor to deny the accusation of having committed an infraction. It would be treated as an admission, but could not be used as an admission in any other criminal or civil action.
- . Provisions have been made for subpoenas, depositions and continuances in the adjudication process.
- . Special attention is given to the adjudication of juvenile offenders in terms of early involvement of parents or guardians.
- . The first offense in a 37 month period would be masked from external review excepting a request from the subject of the record or his attorney, the court, or from governmental agencies. Unauthorized attainment of information would be a misdemeanor.

- . An independent consultant would evaluate the efficiency and effectiveness of the Administrative Adjudication Pilot Project and submit reports to the Governor and Legislature annually throughout the pilot period.
- . Appropriation would be made to the Judicial Council for additional evaluation of the impact of administrative adjudication on the judicial system during the pilot project.
- . The legislation no longer contains a provision for automatic statewide implementation of Administrative Adjudication at the end of the pilot project.

ARGUMENTS AGAINST: This proposal would:

- . Require relocation (although not reduction) of clerical personnel in affected judicial districts, because in reducing the court's workload, there would also be a reduction in the need for clerical support.
- . Not require that hearing officers be lawyers (although legal training would be required).
- . Traffic infraction violations would not be dismissed when the person involved is sent to traffic court school.
- . Increase monetary sanctions through a uniform and graduated sanction guide.
- . Increase the number of appearances for negligent operators due to a tighter driver record system.
- . Remove local influence on judicial decisions of traffic infractions, because locally elected municipal court judges would no longer handle traffic infractions and justice court judges would utilize sanctioning guidelines established by the Administrative Adjudication Board.

REASONS FOR PROPOSAL: This proposal, if enacted would:

- . Provide uniformity and consistency in the adjudication and sanctioning process, replacing judicial inconsistencies with areawide rules and regulations, as well as providing a uniform traffic safety oriented sanction guide referenced to the driver record.
- . Update on a timely basis the driver record when accusations are sustained. This would improve the control of negligent vehicle operators.

- . Improve the ability of law enforcement to identify individuals for whom the driving privilege had been withdrawn, through timely updating of the driver record and better control over the driver's license.
- . Diminish the unequal application of the law by affording persons of all walks of life the opportunity to adequately represent themselves at informal hearings.
- . Enhance the ability of courts to deal with more complex civil and criminal offenses. Court time now used for handling traffic infractions could be devoted to relatively more serious offenses.
- . Provide a less costly system since: (1) there would be no prosecution costs, (2) police overtime costs would be reduced because the citing officer would enter the hearing date on the citation which would reduce the frequency of officer appearances, (3) fewer personnel would be required in this system--there would be no bailiffs and generally clerical support required would be less than judges use, and (4) manual processing of infractions would be totally automated. Additionally, the salary of a hearing officer would be substantially less than the current judges' or traffic commissioners' salaries.
- . Provide local tax relief since all monetary sanctions would be returned to the local cities and counties, with program costs for the pilot study funded out of the Driver Training Penalty Assessment Fund.
- . Move the focus of processing and adjudication from the formal criminal court adversary environment to an informal hearing setting that would stress the relationship of the offense to traffic safety.
- . Maximum involvement by locally elected officials would be emphasized in the development and operation of the pilot program.
- . Increase public convenience by permitting cited persons to appear only once to obtain hearings and giving them the option to appear at any administrative adjudication hearing office in the state.

ADDITIONAL INFORMATION: Further details on the proposed legislation can be obtained from Thomas J. Novi, Administrative Adjudication Project Director, Department of Motor Vehicles, (916) 445-2898.

ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS OVERVIEW OF COSTS AND BENEFITS

	THE COURTS	POLICE	OTHER LOCAL GOVERNMENTAL ENTITIES	DEPENDANT	D.M.V.	PUBLIC	PUBLIC and PRIVATE DRIVER IMPROVEMENT ENTITIES
\$ BENEFITS Benefits that can be monetized)	<ul style="list-style-type: none"> • defer cost of new judicial position • defer/reduce clerical costs 	<ul style="list-style-type: none"> • reduce over time costs • defer hiring due to reduced workload 	<ul style="list-style-type: none"> • money received from DMV for space and services • reduced public defender/prosecution costs • increase revenues for some 	<ul style="list-style-type: none"> • decrease waiting time for hearing 		<ul style="list-style-type: none"> • monetized estimate of reduction of costs death, injury, property damage • overall system cost less 	<ul style="list-style-type: none"> • increase in revenues for some
\$ COSTS Costs to the entity that Can be monetized)			<ul style="list-style-type: none"> • reduced revenues for some 	<ul style="list-style-type: none"> • increase travel time to hearing • increased probability of fine • increased probability of DI expense 	<ul style="list-style-type: none"> • personnel • facilities • equipment 		<ul style="list-style-type: none"> • decrease in revenues for some
OTHER QUANTIFIABLE BENEFITS (Benefits that can be quantified but not in \$)	<ul style="list-style-type: none"> • temporary workload reduction 	<ul style="list-style-type: none"> • increase productivity during regular time 			<ul style="list-style-type: none"> • improved operation of license control process 	<ul style="list-style-type: none"> • temporary improvement in quality of justice - case processing time • reduction in death, injury property damage 	
QUANTIFIABLE DISBENEFITS ('Costs' and disbenefits that can be quantified but not in \$)				<ul style="list-style-type: none"> • increased number of license revocations • increased number of appearances • increased DI inconvenience 			
ON-QUANTIFIABLE BENEFITS Aspects of the system which help meet a goal or objective or overcome a current problem)	<ul style="list-style-type: none"> • upgrade judicial activity • temporary improvement in quality of justice on non-traffic cases 			<ul style="list-style-type: none"> • settle offense with hearing near residence for out of town offenses • more relaxed hearing atmosphere 		<ul style="list-style-type: none"> • improved highway safety 	
ON-QUANTIFIABLE DISBENEFITS Aspects of the system which adversely affect a goal or objective or create problems)	<ul style="list-style-type: none"> • loss of perogative • clerical personnel dislocation 		<ul style="list-style-type: none"> • personnel dislocation • loss of control sanction process 	<ul style="list-style-type: none"> • lessened ability to use influence • reduce scofflaws 			

An act to add Section 74191.1 to the Government Code relating to a municipal court commissionership, and to add Section 1810.5 to, and to add Chapter 2.5 (commencing with Section 40650) to Division 17 of the Vehicle Code, relating to the Administrative Adjudication of Traffic Infractions.

The people of the State of California do enact as follows:

SECTION 1. Section 74191.1 is added to the Government Code to read:

74191.1 The judges of the municipal court shall appoint a commissioner as the business of the court requires. The commissioner shall possess the same qualifications as the law requires of a judge of the court. Notwithstanding Section 72190, the commissioner shall exercise, within the jurisdiction of the court, all the powers and perform all the duties authorized by law. The commissioner shall hold office at the pleasure of the court and under the direction of the judges and shall receive a salary representing 85 percent of the annual salary for a municipal court judge. The commissioner shall be an ex officio deputy clerk of the court and shall be a member of any retirement system which includes attaches of the court. He shall not engage in the private practice of law.

SECTION 2. Section 1810.5 is added to the Vehicle Code to read:

1810.5. Except as otherwise provided, when responding to a request for information from a driver's record, the department shall mask from the record the oldest finding or conviction appearing on the record within the thirty-seven months immediately preceding the request, to which finding or conviction has been assigned a count of one point under the provisions of Section 12810 of this code. The record shall not be masked when responding to a request from the subject of the record or his attorney, the court, or from governmental agencies. The use of the masked information by anyone not entitled to obtain it from the department shall be a misdemeanor.

SECTION 3. Chapter 2.5 (commencing with Section 40650) is added to Division 17 of the Vehicle Code, to read:

CHAPTER 2.5. ADMINISTRATIVE ADJUDICATION

Article 1. General Provisions

40650. It is the intent of the Legislature in enacting these provisions that the adjudication of administrative infractions be accomplished as efficiently, effectively, and expeditiously as possible with a minimum of inconvenience and without infringing upon the rights of the individual, and that traffic safety be enhanced through the combination of the adjudication and driver improvement processes within an administrative agency.

40651. The Administrative Adjudication Board may impose sanctions, pursuant to the provisions in this chapter, upon any person determined to have committed an administrative infraction. Acts declared to be an administrative infraction shall be dealt with as an administrative action against the driving privilege. In the event an infraction has been adjudicated by the court, the Board shall not duplicate the judicial sanctions previously imposed.

Article 2. Definitions

40652. For the purpose of this chapter:

(a) "Administrative adjudication office" is a location designated by the Administrative Adjudication Board to conduct administrative hearings pursuant to this chapter.

(b) "Administrative infraction" includes all infractions contained in the Vehicle Code and infractions adopted by local ordinance pursuant to the Vehicle Code excluding all bicycle (except motorized bicycles as defined in Section 406 of the Vehicle Code), pedestrian, and vessel infractions as defined by this code.

(c) "Admission" means that the party charged with the administrative infraction admits having committed the violation.

(d) "Admission with explanation" means that the party charged with the administrative infraction admits having committed the violation, but demands a summary hearing in order to explain the surrounding circumstances so as to mitigate the sanctions imposed by law.

(e) "Board" means the Administrative Adjudication Board.

(f) "Confrontation hearing" means that both the accused motorist and citing officer are present.

(g) "Contested parking infractions" shall include all controversies arising out of an alleged parking infraction.

(h) "Denial" means that the party charged with the administrative infraction denies all or part of the violation alleged in the notice to appear, and demands a confrontation hearing.

(i) "Denial with waiver of confrontation" means that the party charged with the administrative infraction denies all or part of the violation alleged in the notice to appear, and demands a summary hearing.

(j) "Hearing officer" is a person appointed by the Administrative Adjudication Board to conduct the hearings pursuant to this chapter.

(k) "No contest" means the party charged with the administrative infraction neither admits nor denies the violation alleged in the notice to appear. For procedural purposes a no contest answer shall have the same effect as an admission. The no contest answer cannot be used as an admission in any subsequent criminal or civil action.

(l) "Summary hearing" means that the person accused of the administrative infraction waives the right to confront the citing officer. The waiver shall include a stipulation by the accused that the information on the notice to appear may be received as evidence with the same effect as if the officer were present to testify.

Article 3. Advisory Committee

40653. Prior to January 1, 1978 and during the period through December 31, 1982, there shall be established an Administrative Adjudication Advisory Committee which shall consist of the following:

(a) The Commissioner of the California Highway Patrol or the Commissioner's representative;

(b) The Director of the Department of Motor Vehicles or the Director's representative;

(c) One person appointed by the Judicial Council;

(d) One person appointed by the Governor representing the League of California Cities or the County Supervisors Association of California.

(e) The Chairman of the Board of Supervisors or the Chairman's representative from Yolo, Placer, and Sacramento Counties.

(f) The Director of the Office of Administrative Hearings or the Director's representative.

(g) The Chief of Police of the City of Sacramento or the Chief's representative.

40654. The Advisory Committee shall assist the Administrative Adjudication Board in developing rules, regulations, procedures and evaluation guidelines for the Administrative Adjudication Pilot Project in an effort to ensure that all operational considerations are fully examined.

40655. The Advisory Committee shall convene within 15 days of its establishment. It shall, among other business, elect its chairperson at that time.

40656. Staff assistance to the Advisory Committee shall be provided by the department.

40657. The members of the Advisory Committee shall serve without compensation but shall be reimbursed for actual and necessary expenses by the Administrative Adjudication Board.

Article 4. Administrative Adjudication Board

40658. There is attached to, but independent of, the Department of Motor Vehicles, an Administrative Adjudication Board. The Board for the pilot program shall consist of five members appointed by the Governor:

(a) Each county shall have one representative on the Board selected by the Governor from a list of at least three nominees prepared by the County's Board of Supervisors. Each list of nominees shall include at least one member of the California State Bar who has practiced law in this State for at least five years.

(b) One member of the Board shall belong to the California State Bar and shall have practiced law in this State for at least five years, and one member shall have traffic law enforcement background.

(c) The terms of the Board members shall be for the duration of the pilot project.

40659. The Governor may, after notice and hearing, remove a Board member for continual neglect of duties, incompetence, or for unprofessional conduct.

40660. The Board shall organize and elect a president from among its members, for a term of one year, at the first meeting of each year. The newly elected president shall assume the duties of office at the conclusion of the election meeting.

40661. The Board shall conduct meetings as required by this chapter and such meetings shall be subject to the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

40662. Three members of the Board shall constitute a quorum for the transaction of business, for the performance of any duty, or the exercise of any of its power or authority.

The Board shall have the same investigatory powers as department heads as provided in Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

40663. Each member of the Board shall receive an annual salary of six thousand two hundred fifty dollars (\$6,250), excepting the president of the Board who shall receive an annual salary of six thousand five hundred dollars (\$6,500), in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of Board duties. The annual compensation and reimbursement for expenses shall be paid solely from funds appropriated for the Administrative Adjudication Program.

40664. The department shall:

(a) Provide such qualified trained personnel, office space, equipment and supplies necessary to support the administration of this chapter.

(b) Not duplicate an administrative action on the same offense that has been adjudicated by the Administrative Adjudication Board or hearing officer thereof.

40665. The Board shall:

(a) Adopt rules and regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, governing such matters as are within its jurisdiction and as shall be necessary to effectuate the purposes of this chapter.

(b) Appoint such administrative staff and hearing officers as necessary to hear and determine cases as provided by this chapter. All hearing officers shall have legal training at least in the areas of evidence, criminal law, administrative law, and constitutional law, in addition to education and experience in traffic safety as established by the State Personnel Board. Such appointments shall conform to existing civil service regulations.

(c) Hear and consider, within the limitations and in accordance with the procedures hereinafter provided, all appeals from decisions of hearing officers.

(d) Adopt a uniform schedule of sanctions, provided that no monetary sanction shall exceed the maximum established by law, under Division 18, Chapter 1, Articles 1 and 2, (commencing with Section 42000). Included within the schedule of monetary sanctions shall be

guidelines whereby the hearing officers, in the interests of traffic safety, shall be allowed to reduce the sanction for an individual infraction by as much as 50%, or to increase the sanction by as much as 25%. These increased or decreased sanctions shall be prescribed in an effort to improve the driving behavior of the person to whom the sanction is applied.

(e) At the request of individual counties, the Board may allow increases or decreases of not more than 25 percent from the monetary sanctions established in the uniform schedule of sanctions when the Board has reasonable cause to believe that the deviation will further traffic safety efforts including, but not limited to, accident reduction programs, better driving programs, or rewards for reduced accident levels.

(f) Prescribe by regulation the form for the notice to appear to be used for all administrative infractions and to establish procedures for administrative controls over the disposition thereof.

(g) Submit an annual report to the Governor and the Legislature, including but not limited to, the past year's accomplishments and identification and recommendations for future legislative action.

40666. Notwithstanding the other provisions of this chapter, the processing of non-contested parking violations shall continue to be administered by the local courts.

Article 5. Notice to Appear

40675. (a) Whenever a person is accused of an administrative infraction, the citing officer shall prepare a notice to appear.

The notice to appear shall contain, when available, the name, address and driver license number of the cited person, the license number of any vehicle involved, the name and address of the registered owner or lessee of the vehicle. Said notice shall also include the violation charged and the right to a hearing including the time and place the accused person shall appear for such hearing. The consequences for failing to appear or answer, the various answer options available and the uniform monetary sanction schedule shall be included either on the notice or on a form accompanying the notice.

(b) Every notice to appear alleging a speeding violation shall specify the approximate speed at which the driver is alleged to have driven and the exact or prima facie speed limit applicable to the highway at the time and place of the alleged violation and shall state any other speed limit alleged to have been exceeded if applicable to the particular type of vehicle or combination of vehicles operated by the accused driver.

40676. The time for a hearing specified on the notice to appear shall be at least 14 days after such notice to appear is issued.

40677. (a) The citing officer shall deliver a copy of the notice to appear to any person accused of an administrative infraction. One copy shall be timely filed with the local administrative adjudication hearing office. One copy shall be timely filed with the law enforcement agency employing the citing officer.

(b) The citing officer shall not enter on any notice to appear, or attach thereto, or accompany the notice to appear with, any written statement giving information or containing allegations which have not been given to the person receiving the notice to appear.

40678. Any person served with a notice to appear in accordance with this article may have an attorney appear in any administrative adjudication proceedings under this chapter.

Article 6. Administrative Adjudication Procedure

40690. Notwithstanding any other provision of law, any person 16 years of age and over, accused of an administrative infraction shall have the case adjudicated pursuant to the provisions of this chapter and the rules and regulations of the Board, as provided in this chapter. The Board may require persons between 16 and 18 years of age to be accompanied by the person having custody or control of the minor.

40691. (a) Whenever other offenses in addition to an administrative infraction arise out of the same event, the administrative infraction shall be heard by the court having jurisdiction over the other offenses. In such a situation there shall be no separate administrative adjudication of the administrative infraction.

(b) If after commencement of administrative adjudication it appears that there are other offenses arising out of the same event as the administrative infraction, the Board shall suspend administrative proceedings and shall refer the matter to the proper authorities for prosecution. If the proper authorities refuse prosecution, administrative proceedings will be reinstituted.

40692. (a) Any person who receives a notice to appear for a violation described in this chapter, shall answer such notice by mail, or by personally appearing at an administrative adjudication office, within 14 calendar days of the date of the alleged violation as provided in subdivisions (b), (c), (d), and (e) of this section. Failure to answer within 14 days of the alleged violation, without good cause, shall constitute a waiver of the right to a confrontation hearing. This waiver may be rebutted upon a showing that such failure to answer was not voluntary.

(b) A person accused of violating an administrative infraction shall have the following answer options:

- 1) Admission
- 2) Admission with explanation
- 3) Denial
- 4) Denial with waiver of confrontation
- 5) No contest

The terms and conditions under which a person may amend his answer shall be prescribed by the Board.

(c) If a person accused of violating an administrative infraction admits to the violation as shown on the notice to appear, that person shall complete an appropriate answer form as prescribed by the Board, and forward such answer form to the local administrative adjudication area processing center specified on the notice to appear. A check or money order in the amount of the monetary ^{and penalty assessment} sanction/for the violation charged, if included in such schedule, shall be submitted with each answer. Unless permitted by the rules and regulations of the Board, such answer may not be accepted by mail if it will constitute a third or subsequent point count violation occurring within a 12-month period,

or a fourth or more subsequent point count violation occurring within a 24 month period, or a fifth or more subsequent point count violation occurring within a 36-month period. Point counts are as defined in Section 12810 of this code.

(d) If a person accused of violating an administrative infraction denies part or all of the violation alleged on the notice to appear, that person shall complete an appropriate answer form as prescribed by the Board for that purpose, and forward such form to the local administrative adjudication area processing center specified on the notice to appear. A check or money order in the amount of the designated monetary *and penalty assessment* *shall* sanction/for the violation charged ~~may~~/be submitted with such answer. Upon receipt, such answer shall be entered in the records of the Department of Motor Vehicles. The Board may change the date, time, and place of appearance in the interest of justice. The local administrative adjudication area processing center shall notify such person by mail of the new date, time, and place of such hearing.

(e) If the person accused of violating an administrative infraction answers with either an admission with explanation or a denial with waiver of confrontation, then such answer must be made in person within 14 days. The accused may proceed with the summary hearing at that time, or may return on the date and time specified on the notice to appear.

(f) If a person accused of violating an administrative infraction desires to neither admit nor to deny the violation alleged on the notice to appear, that person shall complete an appropriate answer form as prescribed by the Board for that purpose, indicating no contest and forward such form to the local administrative adjudication area processing center specified on the notice to appear. A check or money order *and penalty assessment* in the amount of the monetary sanction/for the violation charged, if included in such schedule, shall be submitted with such answer. This

answer shall be treated the same as an admission and shall be recorded in the same manner on the driving record. Such answer shall be accepted with the same exception noted in subdivision (c) of this section and such answer will constitute a waiver of the right to a confrontation hearing.

40693. (a) An accused person shall be fully apprised of the consequences of an admission to an accusation of an administrative infraction violation where the person's driving privilege may be in jeopardy of suspension or revocation for a period of 30 days or more because of such admission.

(b) Persons described in subdivision (a) shall be given the opportunity to change their answers and request any hearing that would have otherwise been available.

40694. (a) Every hearing for the adjudication of an administrative infraction, shall be held by a hearing officer appointed by the Board.

(b) Hearings may be either confrontation or summary. In confrontation hearings, the citing peace officer shall appear. In summary hearings, the citing peace officer need not appear.

(c) All confrontation hearings shall be held at the location specified on the notice to appear. Failure to appear, without good cause, shall constitute a waiver of the right to a confrontation hearing. Summary hearings may be held at any hearing office at the option of the cited person.

40695. (a) The administrative adjudication hearing shall be conducted in an impartial and informal manner.

(b) Each party at the hearing shall have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant to the hearing.

(c) All oral evidence shall be submitted under oath or affirmation.

(d) The hearing officer shall have the right to issue subpoenas subject to regulations enacted by the Board.

(e) In any hearing, or in the discharge of any duties imposed under this chapter, the Board or a hearing officer may administer oaths, take depositions and certify to official acts.

(f) Continuances may be granted for good cause shown.

(g) Administrative adjudication hearings shall be recorded entirely and verbatim by automatic recording devices. Recordings of hearings shall be preserved for a period of no less than 30 days after the period for appeal has expired and no longer than specified by the Board by rule and regulation.

40696. No accusation may be sustained except by clear and convincing evidence.

40697. The hearing officer adjudicating the administrative infraction shall not review the driving record of the accused person prior to the determination of whether an offense was committed. After said determination but prior to the imposition of the sanction, the hearing officer shall review the driver's record to determine the proper sanction.

40698. (a) In cases where an accused person answers by admission *and penalty assessment* or no contest and pays the appropriate monetary sanction/, a record of the person's response shall be entered in the records of the Department of Motor Vehicles pursuant to the provisions in Section 40692, subdivisions (c) and (f).

(b) When a hearing is conducted, the finding of the hearing officer shall be entered in the records of the Department of Motor Vehicles, excepting that all information on the driver record relating *the* *for which the hearing is being conducted* to a/citation and offense/shall be removed upon a finding that the offense was not committed.

40699. (a) The Board and hearing officers shall have the same power to suspend, revoke and limit the driving privilege as is granted to the department by law. The hearing officers may also impose any other sanction prescribed by the Board, except that no sanction shall include imprisonment.

40700. (a) When a person is required to pay a monetary sanction/*and penalty assessment* for violating an administrative infraction, the monetary sanction/*and penalty assessment* shall be payable forthwith, except that the hearing officer may grant permission *monetary sanction* for/payment to be made within a specified period of time or in specified installments. Such permission shall be made contingent upon the person giving a written promise to pay the sanction or installment within the time authorized, and if unable to do so, to appear at the hearing office for further proceedings on the date on which the sanction or any installment thereof is due.

(b) As an alternative to payment of a monetary sanction, the hearing officer may suspend the driving privilege of the motorist.

(c) In all cases in which a sanction is imposed, the driver's license shall be surrendered to the Board or hearing officer upon request and a temporary license issued except that no temporary license shall be issued during the period of any suspension or revocation of the driving privilege.

(d) Any person willfully failing to answer, appear, or comply in accordance with the requirements of the notice to appear or the order of the Board or hearing officer when the person is found to have committed an administrative infraction is guilty of a misdemeanor.

40701. In addition to any other authority vested in the Board, the Board or hearing officer may suspend or revoke the driving privilege and order the surrender of the driver's license of any person who fails to answer, appear or comply in accordance with the requirements of the notice to appear or the order of the Board or hearing officer. Such suspension or revocation shall continue until the person has complied with all of the orders of the Board or hearing officer. At the termination of the suspension or revocation, a reissue fee in the amount required in Section 14904 shall be paid to the department in addition to any other fees required by this code.

40702. All monies collected pursuant to the provisions of this chapter, including penalty assessments, shall be deposited monthly in *as provided by Section 42052 and Penal Code Section 1463.* the appropriate account ~~with the State Controller. The funds shall~~

be disbursed first in accordance with the applicable provisions of Chapter 1, Article 3 (commencing with Section 42050) of Division 1, and the remainder of funds to be distributed in the same manner as is provided in Chapter 2 (commencing with Section 42200) of Division 13 for disposition of infraction fines and forfeitures.

40703. Any suspension or revocation of the driving privilege imposed pursuant to this article may be stayed for a period of up to 30 days from the date of the hearing officer's decision, or if an administrative appeal is instituted, until the effective date fixed by the Board for its final order, unless pursuant to the rules and regulations of the Board, a hearing officer or the Board determines that a substantial traffic hazard would result.

40704. No findings, evidence, admission, answer, or any other record acquired by, or in the possession of, the Board pursuant to the provisions of this chapter shall be admissible in any civil proceeding for damages.

40705. Notwithstanding the provisions of Section 14112 of this code, all matters covered by this chapter shall be conducted pursuant to the provisions of this chapter and not Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 7. Administrative Review

40710. The Board shall constitute an appeals board for review of decisions of administrative adjudication hearing officers.

40711. (a) The accused person receiving an adverse determination from a hearing officer may appeal such determination pursuant to the provisions of this article.

(b) The Board on its own motion may review any such determination made by a hearing officer.

40712. (a) Each appeal filed pursuant to this article shall be reviewed by the Board, which shall cause an appropriate entry to be made in the records of the department.

(b) No appeal shall be reviewed if it is received more than 30 days after the appellant received notice of the decision which is being appealed.

40713. An accused person desiring to file an appeal from an adverse determination pursuant to this chapter, shall do so in the form and manner provided by the Board.

40714. The fee for filing an appeal shall be ten dollars (\$10). No appeal shall be accepted unless the required fee has been timely paid.

40715. A written transcript of the record of any hearing may be obtained at cost by the appellant. A deposit fee of twenty dollars (\$20) shall be required to initiate preparation of a written transcript. Any deficit shall be collected from the appellant prior to delivery of such transcript and any excess shall be returned.

40716. In all cases where a stay is in effect, the Board shall enter its order within 90 days after the filing of the appeal, except in the case of unavoidable delay in supplying the administrative record, in which event the Board shall make its final order within 90 days after receipt thereof, or except where the Board has granted a continuance for good cause, in which event the Board shall make its final order within 90 days of the filing excepting the days granted in the continuance. Failure to make such final order within 90 days will automatically reverse the hearing officer's decision. The Board shall enter an appropriate order showing the reversal.

40717. The Board shall have the power to reverse, amend, or modify the decision of a hearing officer that adversely affects a motorist, if it determines that any of the following exist:

(a) The hearing officer has proceeded without or in excess of jurisdiction.

(b) The hearing officer has proceeded in a manner contrary to the law.

(c) The hearing officer's decision is not supported by the findings.

(d) Findings are not supported by the weight of the evidence in the light of the whole record reviewed in its entirety, including any and all relevant evidence presented at the hearing.

(e) There exists relevant evidence, which in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing.

(f) The determination or sanction, as provided in the decision of the hearing officer, is not commensurate with the finding.

40718. The Board shall have the power on appeal to amend, modify, or reverse any order imposed by any hearing officer where the hearing officer has not followed prescribed Board rules and regulations.

40719. An order reversing the decision of the hearing officer shall be in writing and copies thereof shall be sent by certified or registered mail or delivered personally to the appellant. The Board shall direct the department to take such further action as is required and all fees and costs paid by the appellant shall be ordered to be returned. The effective date of any such order shall be as stated in the notice, but shall, in no event, be later than 15 days after the mailing of the notice.

40720. An order upholding the decision of the hearing officer shall be in writing and copies thereof shall be sent by certified or registered mail or delivered personally to the appellant. The order shall be effective as stated in the notice but shall not be later than 15 days after the mailing of the notice; and no reconsideration or rehearing shall be permitted thereafter.

40721. No determination of a hearing officer, appealable under the provisions of this article, shall be reviewed in any court unless an appeal has first been filed and determined in accordance with this article.

40722. Any action for a court review of the department's action taken pursuant to this chapter shall be commenced in accordance with the provisions of Article 5 (commencing with Section 14400) of Chapter 3 of Division 6 of the Vehicle Code.

Article 8. Pilot Program

40750. In order to establish the practical application of the administrative adjudication of an administrative infraction and to determine whether administrative infractions should remain classified as crimes, this chapter shall be implemented during the period from January 1, 1978 through July 1, 1983 unless a later enacted statute, which is chaptered before July 1, 1983 deletes or extends such date. It shall be effective on a demonstration basis in the counties of Placer, Sacramento, and Yolo. The demonstration project shall be funded from the surplus in the Driver Training Penalty Assessment Fund.

40751. The participating counties of the pilot program shall individually determine whether, in lieu of establishing an administrative adjudication office in each locality, the Board may contract with the county for use of existing justice court facilities for the performance of the function of an administrative adjudication office. In the event of any such contract for facilities, the Board may contract with individual justice court judges, or their successors, to be hearing officers. Such hearings shall be conducted pursuant to the provisions of this chapter.

40752. The Administrative Adjudication Board shall submit a report on the progress of the project to the Governor and the Legislature on January 1 of each year in which the project is in effect. Submitted with this report shall be an independent evaluation completed by a consultant retained by the Board independent of the State of California and any state agency. This evaluation shall be inclusive but not limited to an analysis of the costs and benefits of administrative adjudication, both quantifiable and non-quantifiable, as they relate to the judicial system, law enforcement, local government, the defendant, the general public, public and private driver improvement entities and the Department of Motor Vehicles. Included in such evaluation shall be recommendations relative to maximizing the efficiency and effectiveness of the Administrative Adjudication Program in terms of the preceding identified categories.

40753. Monies not to exceed \$85,500 shall be appropriated from the surplus in the Driver Training Penalty Assessment Fund to the Judicial Council for the purpose of evaluating the effect of administrative adjudication on the judicial system. A report on such effect shall be submitted to the Governor and Legislature on January 1, 1980, January 1, 1981, January 1, 1982, and January 1, 1983.

SECTION 4. The sum of _____ dollars (\$_____) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act.

BILL ANALYSIS

POST 1-159

TITLE OR SUBJECT	AUTHOR	BILL NUMBER
Federal Peace Officers: Powers	McVittie	AB 517
SPONSORED BY	RELATED BILLS	DATE LAST AMENDED
		2-15-77

BILL SUMMARY (GENERAL ANALYSIS, ADVANTAGES, DISADVANTAGES, COMMENTS)

SUMMARY: AB 517 provides peace officer authority to federal law enforcement officers, exempts such officers from prohibition against carrying of concealed weapons and firearms off duty, and also exempts such officers from training standards prescribed in Penal Code Section 832.

ANALYSIS:

Advantages: The rationale for such legislation according to the author, Assemblyman McVittie, is that there are times when federal officers during the course of their investigation will have probable cause to believe a person has committed a crime against the people of California. The author states that with such authority to enforce state and local laws, federal enforcement officers would be protected from false arrest accusations.

Disadvantages: This bill raises a constitutionality issue of whether there is in the U.S. Constitution for federal officers to enforce state and local laws. Currently, federal officers coordinate their investigations with local or state officers when local or state laws are involved. While this relationship has apparently worked well, AB 517 would preclude the necessity for federal officers to coordinate their investigations with state or local authorities. Also, the definition of federal law enforcement officer listed in Section (e), page 2 is worded extremely broad to include "an employee or civilian officer of the United States". Finally, the requirement for Arrest and Firearms training prescribed in Penal Code Section 832 contains considerable course content such as Laws of Arrest, Search and Seizure which is germane to California and not included in the training of federal officers.

COMMENTS: It would appear this bill will give federal officers carte blanche authority to enforce state laws.

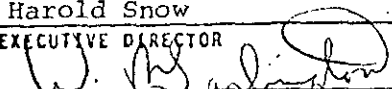
Attachments

FISCAL IMPLICATIONS/WORKLOAD CHANGES

None

INFORMAL POSITION

OFFICIAL POSITION

ANALYSIS BY	DATE	REVIEWED BY	DATE
Harold Snow	2-25-77		
EXECUTIVE DIRECTOR	DATE	COMMENT	
			

ASSEMBLY BILL

No. 517

Introduced by Assemblyman McVittie

February 15, 1977

REFERRED TO COMMITTEE ON CRIMINAL JUSTICE

An act to add Sections 830.13, 12027.5, and 12031.7 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 517, as introduced, McVittie (Crim.J.). Peace officers. Existing state law provides that various law enforcement officials are peace officers and provides, among other things, that peace officers are exempt from certain prohibitions against the carrying of concealed weapons and loaded firearms and that peace officers must meet certain standards and training relating to the use and carrying of firearms.

This bill would provide, for purposes of state law, that any federal law enforcement officer, as defined, is a peace officer exempted from such prohibitions against carrying of concealed weapons and firearms and would also exempt any federal law enforcement officer from such standards and training relating to the use and carrying of firearms.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.13 is added to the Penal Code,
- 2 to read:
- 3 830.13. (a) Any federal law enforcement officer is a

1 peace officer.

2 (b) The authority of any such peace officer extends to
3 any place in the state as to a public offense committed or
4 which there is probable cause to believe has been
5 committed within the state.

6 (c) Notwithstanding any other provision of law, no
7 provision relating to standards and training including,
8 but not limited to, Section 832 and Title 4 (commencing
9 with Section 13500) of Part 4, shall be applicable to a
10 person who is a peace officer pursuant to this section. A
11 federal law enforcement officer is a peace officer
12 described in Sections 12027.5 and 12031.7, relating to
13 carrying a concealed weapon or loaded firearm, if the
14 federal law enforcement officer is authorized to carry,
15 and regularly carries, a firearm as part of his or her duties.

16 (d) Section 830.7 shall not be applicable to a person
17 who is a peace officer pursuant to this section.

18 (e) As used in this section, a federal law enforcement
19 officer is an employee or civilian officer of the United
20 States who, as part of his or her duties, investigates
21 violations of federal criminal laws and enforces such laws,
22 as by arresting persons who violate such laws.

23 SEC. 2. Section 12027.5 is added to the Penal Code, to
24 read:

25 12027.5. Section 12025 does not apply to a peace officer
26 listed in Section 830.13 who, as part of his or her duties as
27 a federal law enforcement officer, regularly carries a
28 firearm.

29 SEC. 3. Section 12031.7 is added to the Penal Code, to
30 read:

31 12031.7. Subdivision (a) of Section 12031 does not apply
32 to a peace officer described in Section 830.13 who, as a
33 part of his or her duties as a federal law enforcement
34 officer, regularly carries a firearm.

...ed in a controversy over his assessment practices, both as the target of an investigation by Supervisor Baxter Ward and over his recent announcement that he would freeze assessments on residential properties for the next two years.

Mrs. Watson said her husband would be hospitalized for about two weeks and would need another six weeks of recuperation at his home before returning to his duties.

Press.

Phillips also scheduled a hearing for Feb. 23 on a request for a preliminary injunction.

The Free Press claimed that a 1964 Glendale City ordinance, which requires adults to attend all newsracks containing material that may not be legally sold to minors, violates the First Amendment.

A spokesman said Glendale officials began removing unattended Free Press newsracks last month.

By Bob de Carteret

Fulton (Bill) Haight has announced his candidacy for the Los Angeles vacancy on the State Bar Board of Governors, promising to represent the interests of individual practitioners.

Haight, senior partner in the firm of Haight, Dickson, Brown, Bonesteele & Rigg, said the sole practitioner and attorneys in small law firms "are not fully heard in State Bar politics."

The Los Angeles attorney is seeking the District Seven post on the State Bar policy making board

the Board of Governors to the future of the le

"The six new members appoint governor, while contributions, appear as a bloc on the Board," he said.

He said that the no close to a majority because of normal services on the part members.

"Each elected p Board of Governors, the legal profession from," he said.

Haight said he is only 43 per cent of Los Angeles County vote in the last State time when the leg facing heavy attack sources.

"Any lawyer who a ballot mailed to himself to blame unhappy with the p now in progress."

The Board of candidate advised at governors are considering program mandatory probon legal specialization, as well attorney advertising and errors and surance plans.

Haight is the first candidacy for the which starts with mailed March 15 they must be returned. Petitions must be get on the ballot.

Haight was an organizers of the Special Arbitration was the model for t



Fulton Haight

that Warren Christopher gave up when he accepted an appointment as deputy U.S. secretary of state.

Haight said he sees his election to

Bill to OK State Arrests By Federal Agents Filed

LA DAILY JOURNAL 2-17-77

By Ken Smith

SACRAMENTO — Federal law enforcement officers working in California would be given the status of state and local peace officers in making arrests and carrying concealed weapons under legislation introduced Wednesday.

Assemblyman Bill McVittie, D-Upland, said he introduced AB 517 to provide more efficient and comprehensive law enforcement services.

"Federal law enforcement officers are presently protected against false arrest only if they make arrests for federal crimes," McVittie said. "However, there are times when federal officers during the course of their investigation will have probable cause to believe that a person has committed a crime against the people of California."

McVittie said the bill was suggested by an officer in the intelligence division of the Internal Revenue Service "who is an old colleague of mine from the days when I was an agent with Treasury.

As a former federal law enforcement officer, I know how valuable a law like this is."

He added that it is "very rare for a lawman to actually witness a crime being committed, and unless you actually saw the offense performed, you're open to false arrest accusations."

McVittie explained that under current California law when a federal officer discovers a state offense during the course of an investigation he must call in a state or local officer.

"This bill, which seems very logical to me, would give protection to the federal officer against charges of false arrest," he said.

McVittie said another problem with current state law is that a federal officer is entitled to carry a concealed weapon only while on duty, but state and local officers may carry their weapon at all times.

"There has never been a test of this law, but my bill would resolve

Please turn to Page 7

N.Y. Budgeteer

Justice James Gibson: At the Eye of the Storm

By G. V. Stewart

While judges are clearly no strangers to controversy, they usually carry out their work away from the public eye. Occasionally, however, events conspire to throw a spotlight on the judicial process.

Such a spotlight was recently turned upon New York Supreme Court Justice James Gibson, who has been assigned the unenviable task of overseeing New York City's payment of more than \$1 billion in overdue notes placed under a moratorium when the city foundered economically.

Last November the state's highest tribunal, the Court of Appeals, ruled the debt moratorium

of the notes must start within 30 days.

Justice Gibson was scheduled to begin his laborious task this week, sitting in Manhattan.

The central New York City courthouse is a long way, both in temperament and in visibility, from Justice Gibson's home in Hudson Falls, N.Y., where the 75-year-old jurist began his law career in 1926, and where he has lived as a widower since 1956.

A descendant of jurists, Justice Gibson remarked recently that "I have wanted to be in the law for as long as I can remember."

His father and grandfather were also judges and were guides to him

Please turn to Page 7

Coming Events

THURSDAY, FEB. 17

Los Angeles Trial Lawyers Assn. Ned Good, Hill Sayble, Box Fox and Walt Bolding, panelists, on "Back to Basics: Organizing P.I. Files, Office Procedures, Directing Investigations." L.A. Hilton Hotel, Garden East West, Wilshire or 7th St. at Figueroa, Los Angeles. Social hour, 6:00; dinner, 7:00; program, 8 p.m. Reservations, LATLA, 487-1212.

Los Angeles County Bar Assn. Real Property Section, Lawrence J. Tracy, John P. Pollock, Charles V. Berwanger and Joseph E. Petrillo, panelists, on "The New Wave—The California Coastal Act of 1976 and Its Ramifications." Mistele's, Sierra Room, 611 W. 6th St., 40th Floor, Los Angeles. No-host cocktails, 6:30; dinner, 7 p.m. Reservations by Feb. 15.

Los Angeles C Corporate Law Section. Joint n Association of Lawyers. Ira H. Derby, Dale C. R. Foster, Panelists, of interfacing i counsel and co Regency Hyatt H hour, 6:00; dinne information. Mar the Association Lawyers, 626-5241.

Pomona Valley Paul Egly, speak W. Holt Ave., Por 6:30; dinner, 7 p

Association of Lawyers. "Probl Between Outsi Corporate Co

Please tur

facilities for an additional 2,400 inmates and said \$92 million requested by the governor be set aside in the proposed budget.

But he said the money should not actually be appropriated since it could not be spent in the next year and lawmakers have not yet seen final plans for the new prisons.

Post recommended a \$2.4 million increase in contributions to the Legislators' Retirement Fund and \$5.7 million more for the Judges' Retirement Fund to make the accounts financially sound.

He also suggested \$20.9 million in reductions of Brown's capital outlay program.

Federal Agents

Continued from Page 1

the ambiguity" of when a federal officer can carry a concealed weapon.

He said the issue of when a federal officer can carry a weapon is important because arrests are frequently made by state and local officers while they are not actually on duty.

McVittie said the main categories involved in his bill would be agents of the Internal Revenue Service, Federal Bureau of Investigation, Alcohol, Tobacco and Firearms officers, and narcotic and customs agents.

McVittie worked as a federal agent while attending law school at the University of Southern California in the early 1960s.

"Federal officers are highly trained and competent," he said. "I do not believe this new status will be abused. But I do think it's time to encourage greater cooperation between state and federal law enforcement agencies."

McVittie said he does not anticipate any strong opposition to his bill.

Haight Files

Continued from Page 1

effect statewide. He has been chairman for the past three years of the State Bar Special Committee on Arbitration.

A spokesman for the Committee to Elect Fulton Haight said the candidate's record in arbitration establishes his qualifications to "get things done."

Haight is chairman of the Los Angeles County Bar Association Committee on the Review of Jury Procedures. He is a member of the Administrative Committee of the Los Angeles Superior Court Ar-

general in charge of the criminal division. Thornburgh is now acting as deputy attorney general, the No. 2 departmental post for which Bell has not selected a nominee.

—Michael Egan, a Georgia attorney and Republican leader of the State House of Representatives, as associate attorney general.

Senate confirmation is required for all except Egan.

City Trial Costs

Continued from Page 1

discrimination and cumulative effects of activities which eventually result in injury.

This increasing complexity, said Ms. Ritter, results in more preparation time, more time spent in court, and increased litigation costs, expected total \$91,000 for 1976-77.

In the city attorney's office report on litigation expenses, the Blake case was only mentioned with other cases against the city. However, Asst. City Atty. Lawrence Hoffman pointed to a sharp increase in the number of complaints against police officers as one of the causes of increased litigation expenses.

"In 1972-73," said Hoffman, "493 claims were filed involving police-related activities, as contrasted with 914 claims filed in 1975-76, he said.

"Experience has shown that the judgments received from juries in police-related cases where the city is found liable, as well as the amounts necessary to settle such matters, have escalated in the last several years, with a dramatic increase in the number of significantly large judgments received against both the Los Angeles Police Department, as well as other police agencies throughout the nation."

Hoffman added that there are pending in the office approximately 4,500 active civil actions, in which the city is either a plaintiff or a defendant, and approximately 2,600 worker's compensation matters.

Hoffman also pointed to the increased costs of services. The cost of depositions has increased by 18 per cent in the last year, he said.

The cost of medical record copying, he said, has risen from \$36,473.70 to an expected total in 1976-77 of \$78,500.

Doctor's fees for testifying in court has also risen, from \$350 per half day to \$500 or more.

In an attempt to hold down increasing costs, the office has imposed new expense controls, including:

—Detailed expense records for each case;

—A \$400 limit on the authority of a trial deputy to initiate an expenditure;

—Only one medical expert per case can be retained without the approval of a supervisor, who must also approve any expert not

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WASHINGTON (UPI)—The National Coal Association

TAB I



City of Fremont

City Government Building
Fremont, California 94538

(415) 791-4111

March 2, 1977

William J. Anthony
Chairman
Commission on Peace Officer Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Mr. Anthony:

I have received your Bulletin #77-1, dealing with the subject of the Life Experience Degree Program. I am amazed the Commission would give consideration and credit as outlined in your bulletin.

The cities of the Bay Area have taken particular issue with the University of San Francisco in offering a BA program which includes a significant degree of credit for life experience. Fremont has, as do many other cities in the State, an educational incentive program in which academic achievement results in increased compensation. The POST certificates are similarly rewarded in many jurisdictions. The San Francisco University program, referred to earlier, has been disallowed by this City and many other jurisdictions as not an acceptable program toward education incentive awards. Additionally, the University itself is being reviewed as to its accreditation in offering such programs. This review of the University has not been released as yet to my knowledge.

It is my opinion that the principles involved in disallowing life experience in the university atmosphere are similarly applicable to the POST certificates.

CF

William J. Anthony
Page - 2 -

Without going into any length as to my dismay as to the announcement of the Commission, I would urge that reconsideration be given to any allowance for life experience and further that the staff investigate the issues raised in the San Francisco program, as well as the position of many cities throughout California.

Sincerely,



Don Driggs
City Manager

DD:ew

cc: Loren Enoch, County Administrator
Donald McIntyre, City Manager, Pasadena
Robert Grogan, City Administrator, Santa Maria
William Zaner, City Manager, Union City

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March 9, 1977

Don Driggs
City Manager
City of Fremont
City Government Building
Fremont, California 94538

Dear Mr. Driggs:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I or POST staff may be of assistance to you regarding this matter, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads 'W. J. Anthony'.

WILLIAM J. ANTHONY
Chairman

TO:

George Williams
POST

FROM: Michael M. Howe *MM* *one*
Dean, Continuing Education

DATE: March 4th, 1977

SUBJECT: POST Bulletin 77-1

1. Background

The University of San Francisco has been granting credit for prior learning for external degree students since the Fall of 1974. Many students in our program are law enforcement personnel and will be effected by Bulletin 77-1.

2. Comments

We are in agreement that there should be guidelines concerning granting credit for prior learning, avoiding duplication of credit, and maintaining accurate records. The Bachelor degree in Vocational Education is a deceptive model, however, for establishing guidelines. The BVE is designed to grant credit for experience, the granting of which is accomplished in a rather mechanistic manner.¹ In our programs credit is granted for learning and not experience. Credit is granted only when deemed pertinent to educational, professional and personal goals. Setting numerical limits is artificial, rather the limit should be related to student goals.

As presently designed, it is our opinion that the limits imposed in 77-1 would be extremely difficult to make workable. The unworkability hinges upon the equation of our programs with the BVE program. When credit is granted for learning, it will be difficult for POST to attach a time or experience component to that.

We want to be certain that the records we maintain are a good service to the student.²

Training points should not be utilized for credit for prior learning to gain education points and, then, both submitted for an Advanced or Intermediate certificate.

3. Recommendation

Education points and college degrees which are acquired through the award of units based upon prior experiential learning are accepted as follows:

¹See attachment A. ²See attachment B.

Credit for prior experiential learning is related to educational and professional goals achieving the baccalaureate degree. ___% must be related to law enforcement occupational, supervisorial or managerial experiential learning.³

Learning in any degree program has educational, professional and personal components. For POST purposes the professional and educational are paramount. However, under present POST guidelines a person could achieve a Bachelor of Fine Arts and that degree would qualify for an Advanced Certificate.

Restrictions on education points awarded from experiential learning should not be stricter (or looser) than on any other kind of education points in the "traditional" setting. However, the Commission may want to set a standard on the subject matter of education points.

Credit for prior experiential learning is granted by experts appointed by the institution granting credit.

When an institution establishes programs, qualified persons are hired to staff the needed activities. If a new department with classroom-based instruction is added, it's credit awarded is acceptable through-out the academic community. If a new component is added which uses the same experts to award credit via different, but credible means, credit awarded should be accepted in a like manner.

Training related to law enforcement is allowable only as training points. Training offered for training points cannot also be offered as any part of the basis of attainment of education points arising from credit granted for prior experiential learning.

Preventing duplication of credit for the attainment of a college degree is a matter of paramount importance. Duplication should be rigorously avoided in the POST certificate process also. Record keeping processes should be such that duplication is prevented.

Records indicating the granting of credit for prior experiential learning are accompanied by information from the educational institution outlining the basis for granting credit.

This is necessary to insure that accurate information is transmitted from academic institutions to any program participant, so that the person can indicate to any and all concerned the nature of the processes pertaining to the award of his degree/credit.

³Percentages to be determined by POST

Attachment "A"

Taken from p.38-39, USF response
to WASC (Site) Report, February 18,
1977.

Pages lines
18 5-8

University of San Francisco could benefit from a review of the state approved standards used for granting academic credit for non-academic activities related to the vocational education baccalaureate degree for work experience.

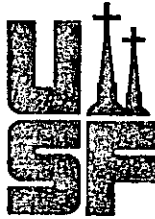
Because the California Code was of little guidance, University personnel visited the Bureau of Industrial Education office in Sacramento for further information. Explanation of procedures by Bureau staff indicated that indeed a standard set of procedures was used to gather detailed information by which decisions are made on whether and if so, how much credit to award for occupational, supervisory, and managerial experience.

After an entry interview with a counsellor on the applicant's campus, to determine eligibility, the applicant fills out an extensive application for evaluation of work experience. This application is evaluated clerically on a formula basis and a unit count forwarded to the Board of Examiners, who recommend and forward to a committee of Bureau chiefs, who recommend and forward to the Head of Vocational Education. This person then recommends to the head of the campus involved.

These are fine and adequate procedures. However, in no place in the entire procedure is the applicant required to explicitly demonstrate learning. Credit by all accounts is awarded for experience. It is the explicit tenet of the University of San Francisco that credit can only be awarded for demonstrable learning that arises from experience and not for experience itself.

We, therefore, find inadequate the recommendation that our programs could benefit from review of state approved standards for, in our judgement, we have developed far more vigorous policies and procedures "for granting academic credit for non-academic activities."

UNIVERSITY OF



SAN FRANCISCO

Continuing Education

Credit for Prior Learning

In Fall, 1975, an Assessment Center was established on campus to evaluate college-level learning for students requesting such evaluation. A more detailed explanation of this process will be made available to you upon request. Materials submitted as the basis for requested credit are evaluated by the academic departments of the University. Evaluation is reviewed by a committee of full-time tenure-track faculty members.

Units for Certificated Learning represent credit based upon an analysis of various in-service training and certificate programs. Each program is periodically reviewed to assure continuing maintenance of standards.

Units for Faculty Assessed Learning represent credit based upon an analysis by a competent faculty member of individual learning evidence presented by students.

Substantiating materials are available upon request from the Registrar and microfiche of all pertinent substantiating material may be viewed by persons authorized by the student.

_____ has been evaluated and found to be equivalent to _____
 unit(s) of credit in _____
 _____ has been evaluated and found to be equivalent to _____
 unit(s) of credit in _____
 _____ has been evaluated and found to be equivalent to _____
 unit(s) of credit in _____
 _____ has been evaluated and found to be equivalent to _____
 unit(s) of credit in _____
 _____ has been evaluated and found to be equivalent to _____
 unit(s) of credit in _____

Yours truly,

Michael M. Howe
 Director, Continuing Education

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March 9, 1977

Michael M. Howe
Dean, Continuing Education
University of San Francisco
San Francisco, California 94117

Dear Mr. Howe:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your interest in the Life Experience Degree Program and appreciate your taking the time to present comments to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

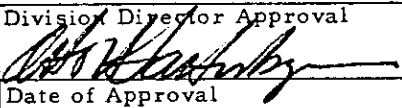
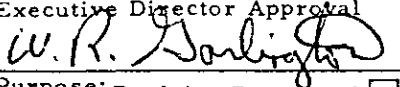
If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "George N. Williams".

GEORGE N. WILLIAMS, Chief
Staff Services Bureau
Administration Division

AGENDA ITEM SUMMARY SHEET

Agenda Item Title Life Experience Degree Programs		Meeting Date March 25, 1977
Division Administration Division	Division Director Approval 	Researched By Administration Division
Executive Director Approval 	Date of Approval March 2, 1977	Date of Report March 2, 1977
Purpose: Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report <input type="checkbox"/> Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No <input type="checkbox"/>		

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e. g., ISSUE Page ____).

Some California colleges and universities have initiated degree programs in which units of credit are awarded for knowledge acquired in non-scholastic activities. These programs are referred to as Life Experience Degree Programs.

California law enforcement officers have been enthusiastic in their acceptance of and participation in Life Experience Degree Programs. The attainment of degrees has accelerated, with the lessening of inconvenience to the participants. However, the concomitant effects on local governments that have established career development programs offering salary increments based on the attainment of college units and degrees are creating some concern.

Frequently POST professional certificates are accepted as satisfying requirements or in lieu of college credits in career development programs. When the certification and career development programs were developed, academic credit and degrees were acquired in the traditional manner. There now appears to be a conflict between supporters of traditionally and non-traditionally acquired college credits and degrees.

At its January 21, 1977, meeting, the Commission adopted guidelines for the Professional Certificate Program in regards to the acceptance of college credits and degrees awarded on the basis of experience. These guidelines establish a limit on the number of units that may be accepted and does not allow the use of the same experience for both acquiring a college degree and meeting POST's experience requirements for certificates. Many of the problems and concerns associated with the award of college credits and degrees based on experience have been resolved through the cooperative efforts of POST and the educational community. However, correspondence has been received concerning the Commission's recently adopted guidelines from those who support the Life Experience Degree Programs and those who are critics.

The correspondence from those who offer Life Experience Degree Programs indicate the Commission's guidelines are appropriate and workable. Those who oppose awarding of college credits on life experience indicate that the Commission guidelines are too lenient.

Copies of aforementioned correspondence and the policy adopted by the Commission on January 21, 1977, are attached.

Utilize reverse side if needed

LIFE EXPERIENCE DEGREE PROGRAMS

Education points and college degrees which are acquired through the award of units based on experience are accepted only as follows:

- No more than 40 units of credit based on experience are included in the transcripts related to the award of a baccalaureate degree.
- No more than six units of credit based on experience are included in an individual's transcript that has not resulted in the award of a degree.
- No more than six units of credit will be allowed for other than law enforcement occupational, supervisory or managerial experience.
- Units of credit based on experience are limited to courses which are offered by the awarding educational institution.
- Transcripts which include units of credit based on experience are accompanied by an explanation by the educational institution relative to the award of such units.
- Experience or training related to law enforcement is allowable only once; either to satisfy the experience or training requisites for the issuance of a professional certificate, or as awarded units of credit for experience.

CALIFORNIA STATE UNIVERSITY • LOS ANGELES



5151 STATE UNIVERSITY DRIVE LOS ANGELES, CALIFORNIA 90032 (213) 224-3713

February 22, 1977

William J. Anthony, Chairman
Commission on Peace Officer Standards & Training
7100 Bowling Drive
Suite 250
Sacramento, CA 95823

Dear Sir:

I have just read POST Bulletin 77-1 and congratulate the Commission in its prompt action with respect to "Life Experience Degree Programs". Your revised policy will help to preserve the integrity of the Professional Certification Program.

As a member of the Accreditation Committee of the Academy of Criminal Justice Sciences, I can assure the Commission we will give such programs close scrutiny. There is an additional problem related to the situation. Most of the colleges (in this area) which offer "Life Experience Degrees" are NOT ACCREDITED. Was it the original intent of the Commission that educational units used in certification be from fully accredited institutions?

If this is the case, some method should be devised to inform hundreds of local peace officers that educational units earned at non-accredited institutions will not be considered for certification. Additionally, some system will probably be needed to verify accredited status, by the POST unit processing the certificates.

The Western Association of Schools and Colleges accredits California institutions, and the Council on Post-Secondary Education may be able to provide information on other states.

Sincerely,

A handwritten signature in cursive script that reads "Allen P. Bristow".

Allen P. Bristow
Professor
Department of Criminal Justice

APB:ks

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

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(916) 445-0345TECHNICAL SERVICES
(916) 445-4515

February 25, 1977

Allen P. Bristow, Professor
Department of Criminal Justice
5151 State University Drive
Los Angeles, California 90032

Dear Professor Bristow:

This is in reply to your recent letter concerning the Life Experience Degree Program.

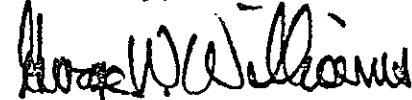
We understand your interests in the Life Experience Degree Program and appreciate your taking the time to present your comments to us.

Degrees and units of credit are accepted only when acquired from accredited colleges and universities. The status of the awarding institution is verified in the Education Directory - Colleges and Universities, as prepared by the National Center for Educational Statistics.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division



ALAMEDA POLICE DEPARTMENT

SANTA CLARA AVENUE AND OAK STREET
ALAMEDA, CALIFORNIA 94501

February 14, 1977

Non-emergency (415) 522-1220

RICHARD YOUNG
Chief of Police



Emergency Only Dial 911

REFERENCE
NUMBER

William J. Anthony, Chairman
Commission on Peace Officer Standards and Training
7100 Bowling Drive
Sacramento, CA 95823

Subject: LIFE EXPERIENCE DEGREE PROGRAM, BULLETIN 77-1.

Dear Mr. Anthony:

The Alameda Police Department administrative staff has reviewed your new policy concerning credit for life experience. It is a step in the right direction which, hopefully, will correct some inequities which have lately been creeping into college degree programs. I anticipate that we will adopt your policy in our own Educational Incentive Award Program.

Very sincerely yours,


RICHARD YOUNG
Chief of Police

cl/vg

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

7100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823

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(916) 445-4515

February 18, 1977

Richard Young
Chief of Police
Alameda Police Department
Santa Clara Avenue and Oak Street
Alameda, California 94501

Dear Chief Young:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,



GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

CITY OF UNION CITY

1154 Whipple Road • Union City, California 94587 • Phone 471-3232



February 14, 1977

Commission on Peace Officers' Standards
and Training
7100 Bowling Drive
Sacramento, CA 95823

Gentlemen:

This is in response to your Bulletin #77-1 regarding the life experience degree program. You indicate at the conclusion of that bulletin that there is additional information available from your office. Would you please forward whatever additional information you might have.

When the question of the life experience was first raised by local universities, many administrators in local government took exception to the program. We went so far as to contact the accreditation society responsible for certifying that universities meet minimum standards and that their degrees are appropriately conferred. Despite our protestations it appears that the life experience degree program will continue to be offered through many universities. As a result, I have instructed our Personnel Office to cease accepting baccalaureate and associate art degrees on their face. We will now require a transcript to be provided to us so that we may look "behind" the degree and determine to our own satisfaction if there is sufficient academic work to meet our standards. While I recognize that educational standards and methods are changing, I also recognize that many of those changes may not represent a change for the better.

The decision by the Commission on Peace Officers' Standards and Training to accept life experience credits towards POST Certificates is signal step backward in an otherwise highly-regarded program. Like many cities, we have an educational incentive program, part of which is tied to obtaining POST Certificates. Up to now we have felt that such a program has been beneficial, both to our police officers and to the community, and have been active before the City Council in promoting its continuation. I do not think it unfair to say that the high calibre and status of your certificate program was the major factor in persuading the City Council that incentive pay for police officers was warranted. Given your latest set of policies regarding the life experience degree program, that confidence is seriously undermined. You may be assured that we will bargain vigorously at the negotiating table to obtain the right to look "behind" the POST Certificate to determine if it is backed up with

A-0644

Commission on Peace
Officers' Training
Page 2
February 14, 1977

academic work and new skills, or with vapid credits assigned by an educational institution more concerned with filling its treasury than with its commitment to excellence.

No decision is irrevocable. I sincerely urge the Commission to reconsider its policy and to recommit itself to the high standards for which POST has been known.

Very truly yours,



WILLIAM ZANER
City Manager

WZ:bh

cc: Chief Kirkpatrick, Union City Police
Dean Randy Hamilton, Dept. of Public Administration,
Golden Gate University
George Bist, President, Union City Police Association
Donald F. McIntyre, City Manager, Pasadena
Robert F. Grogan, City Administrator, Santa Maria
Don Driggs, City Manager, Fremont

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

7100 BOWLING DRIVE, SUITE 250

SACRAMENTO 95823

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(916) 445-4515

February 18, 1977

William Zaner
City Manager
City of Union City
1154 Whipple Road
Union City, California 94587

Dear Mr. Zaner:

This is in reply to your recent letter concerning the Life Experience Degree Program.

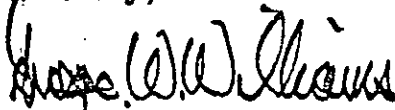
We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

With regard to your request for further information regarding the Life Experience Degree Program, the offer to provide additional information which was made in Bulletin 77-1 pertains to providing information and explanations relative to the Commission's policy regarding units of credit based upon experience. If you have specific questions, we would be happy to respond.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,


GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

ALFRED
NORTH
WHITEHEAD
COLLEGE

OFFICE OF THE PROVOST

of liberal and career studies

February 15, 1977

Mr. Otto H. Saltenberger
Police Officers Standards and
Training Commission
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Mr. Saltenberger:

Word has reached me concerning a meeting of POST on January 20, 1977, at which time an agenda item entitled Life Experience Degree Program was presented for discussion. I note that the Commission was seeking approval as a policy the statement presented as item one in the notes distributed,

"Education points and college degrees which are acquired through the award of units based on experience are accepted only as follows: No more than 40 units of credit based on experience are included in the transcripts related to the award of a baccalaureate degree."

Officials at POST are to be congratulated in adopting this generous provision with respect to collegiate opportunities open to adult students. It conforms to policies now in effect in many institutions.

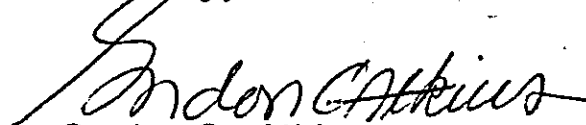
The past few years have demonstrated dramatically the need for colleges and universities to develop highly innovative programs at the baccalaureate and higher levels to meet present and emerging needs for the education of deserving adults in our society. Education at all levels is presently undergoing exacting reappraisal; it is evident that the role of colleges must be expanded to accommodate adult learners. President Varner, of the University of Nebraska, has said, "Our society will not permit us to ignore the large number of adult learners currently unserved by the existing efforts of higher education. The real question is whether...the institutions we represent have the imagination, the vigor, and the determination to follow through..."

I am happy to be able to call attention to the efforts of the University of Redlands since 1971 to work in the direction of fulfilling these

needs. One area in which we have worked consistently is that of the Administration of Justice; a number of police officers have been attracted to our program over the years. We offer the degree of Bachelor of Arts with emphasis in Public Service and Management. Students entering this program are eligible to receive credit for non-institutional learning acquired during their careers. It should be noted that we have not identified this as credit for life experience; it is regarded as credit for what has been learned from experience. At A. N. Whitehead College of the University of Redlands, a review of our students who have completed the program indicates that, on an average, 9.6 semester units of credit have been granted for non-institutional learning. To limit credit for non-institutional learning to six units outside the field of law enforcement, (item 3 of POST Interim policy), serves to defeat efforts to encourage breadth of background. An average of 19 semester units of credit has been granted for attendance at professional schools. In those instances where students have presented for credit consideration an evaluation under provisions of the Swan Bill, special care has been exercised to avoid duplication. Except for a limited number of situations in which some latitude has been extended by an academic review board, the student entering the degree program at A. N. Whitehead College of the University of Redlands must have completed the first two years (60 semester units) with an average grade of not less than 2.0; a minimum of 30 units must be completed with the University for the degree. We have found our police officer degree candidates to be highly motivated; many of them have enrolled in programs leading to advanced degrees, and we are proud to have them as active members of the University alumni group.

As chief administrator of the A. N. Whitehead College of the University of Redlands, I endorse the items proposed for inclusion as part of Commission Procedure F1 (Professional Certification Program), Section I-4.c. I am happy to have this opportunity to sketch for you the details of the University program in the Administration of Justice.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gordon C. Atkins". The signature is fluid and cursive, with a large initial "G" and "A".

Gordon C. Atkins
Provost

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

7100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823EXECUTIVE OFFICE
(916) 445-4515ADMINISTRATION
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(916) 445-0345TECHNICAL SERVICES
(916) 445-4515

February 25, 1977

Gordon C. Atkins, Provost
The University of Redlands
Alfred North Whitehead College
Redlands, California 92373

Dear Provost Atkins:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your interests in the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "George W. Williams".
GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

City of Martinez

POLICE DEPARTMENT

525 HENRIETTA STREET • MARTINEZ
CALIFORNIA 94553 • (415) 228-4141

February 22, 1977

Mr. William Garlington
Executive Director
Commission on Peace Officer
Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Attention: George Williams

Dear George:

In reference to our conversation on February 18, 1977 relative to the Life Experience Degree programs based on prior experience and the position taken by P.O.S.T. (Bulletin 77-1), my thoughts on this are as follows:

I support the trend that is developing throughout higher education toward "non traditional learning credits" and "credits for educational or training programs offered by non collegiate institutions". I believe it is important for persons to achieve limited academic recognition for the cognitive, affective and psychomotor experience they have acquired outside of a college classroom.

I suspect that the limits of non traditional credit is a real issue in this concept. It is my belief, based on my personal observations, that the basic educational foundations for higher learning are achieved during the first two academic years of college, therefore, a standard should be established in any non traditional degree program that demonstrates the student has acquired a two year college level learning experience.

I also believe that life experience credit should only be awarded for demonstrated skills that have relevance to the students' profession and the degree being pursued.

I also believe that any college or university offering credit for past training and life experience should publish their standards for awarding credit and that this standard be academically defensible.




Mr. William Garlington
-page 2-

February 22, 1977

I support the position taken by the Commission on Peace Officer Standards and Training on life experience credit, however, I wonder if 40 experience units being granted without a defensible examination might be too liberal. In any event, P.O.S.T. has established an acceptance standard that California law enforcement personnel must meet for the award of certificates. I suspect that the various academic accrediting bodies will set appropriate and acceptable academic standards in the near future.

If I can assist you or the Commission at any time, please do not hesitate to call upon me.

Sincerely,


J. W. Warren
Chief of Police

JWW:11



DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823

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(916) 445-0345

TECHNICAL SERVICES
(916) 445-4515

February 24, 1977



J. W. Warren, Chief
Martinez Police Department
525 Henrietta Street
Martinez, California 94553

Dear Chief Warren:


This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,


GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division



February 17, 1977

Mr. William Garlington, Director
Commission on Peace Officer
Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Mr. Garlington:

We at the Sunnyvale Department of Public Safety concur with your opinion set forth in Bulletin: 77-1, "Life Experience Degree Program."

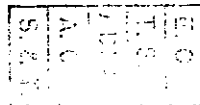
I feel that officers pursuing degrees under the "traditional" educational system exhibit those traits generally associated with higher education. The ultimate result is that these men have a broader educational base and appear to contribute more to the department.

If I or the department can be of any assistance to you on this issue, please feel free to contact us.

Very truly yours,

J. Ammerman, Chief
Dept. of Public Safety

JA:JRR:jb



FEB 22 1977

RECEIVED

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

7100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823

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(916) 445-4515

February 25, 1977

J. Ammerman, Chief
Department of Public Safety
City of Sunnyvale
P. O. Box 607
Sunnyvale, California 94088

Dear Chief Ammerman:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your interests in the Life Experience Degree Program and appreciate your taking the time to present them to us.

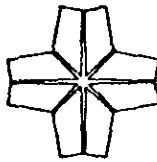
It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,



GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division



Saint Mary's College of California

Office of External Degree Programs
P.O. Box 397
Moraga, California 94575

415/ 376-2540

February 3, 1977

Chairman of the Commission
Police Officer Standards and Training
7100 Bowling Drive, Suite 250
Sacramento, CA 95823

Dear Chairman:

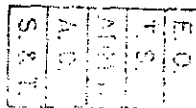
We at Saint Mary's College would like to go on record as being in full support of the POST policy of accepting up to forty units of experiential learning toward the bachelor's degree. It is the feeling of our College that college-level learning, whatever the source, is valid and that higher education is doing a disservice to adult students by not acknowledging and crediting documentation of a very wide range of learning experiences. It is a credit to POST that it has developed an established policy in this important academic area.

Sincerely,

Nancy Dyar

Nancy Dyar
Director

ND/mb



FEB 4 10 39 AM '77

COMMISSION ON POST

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

7100 BOWLING DRIVE, SUITE 250
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(916) 445-4515

February 18, 1977

Nancy Dyar, Director
Saint Mary's College of California
Office of External Degree Programs
P. O. Box 387
Moraga, California 94575

Dear Ms. Dyar:

This is in reply to your recent letter concerning the Life Experience Degree Program.

We understand your concerns with the Life Experience Degree Program and appreciate your taking the time to present them to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding this matter, please feel free to contact me.

Sincerely,



GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

CITY OF WATERFORD

POLICE DEPARTMENT

P. O. BOX 199

320 "E" STREET

GATEWAY TO RECREATION

WATERFORD • CALIFORNIA

95386

February 25, 1977

Office of Chief of Police
MICHAEL K. MINARD
Telephone: 874-2349

Mr. Ray Bray
Commission on Peace Officer Standards and Training
7100 Bowling Drive #250
Sacramento, California 95823

Dear Ray,

In reading the most recent "Post Scripts," I was pleased to see that we could get "Hold-Up" posters from you. I have seen them in several business places in other cities and think they are great. Now all we have to do is get the crooks to believe what they read!

At any rate, Ray, if you would send us forty or fifty of them, I'd like to get every place in town to display them.

While I have the opportunity, I'd also like to commend POST for doing something about the USF "life experience" ripoff. Those of us who worked hard for our college degrees agree with your proposed policy. Keep up the good work!

Sincerely,



Michael K. Minard
Chief of Police

MM/mw

DEPARTMENT OF JUSTICE

EVELLE J. YOUNGER, Attorney General

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

7100 BOWLING DRIVE, SUITE 250
SACRAMENTO 95823



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March 2, 1977

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ADMINISTRATIVE COUNSELING
(916) 445-0345

TECHNICAL SERVICES
(916) 445-4515

Michael K. Minard
Chief of Police
City of Waterford
P. O. Box 199
Waterford, California 95386

Dear Chief Minard:

This is in reply to your recent letter concerning the "Hold'Up" posters and the Life Experience Degree Program.


Mr. Ray Bray has informed me that the posters you requested are being forwarded to you.

We understand your concern with the Life Experience Degree Program and appreciate your taking the time to present your comments to us.

It is anticipated that the Life Experience Degree topic will be included on the agenda of the Commission's meeting of March 25, 1977, at the Host Airport Hotel, Sacramento Metropolitan Airport. A copy of your letter will be provided to each of the Commissioners.

If I may be of assistance to you regarding the Life Experience matter, please feel free to contact me.

Sincerely,


GEORGE W. WILLIAMS, Chief
Staff Services Bureau
Administration Division

Memorandum

TAB J.

To : COMMISSIONERS

Date : March 14, 1977

Executive Office

From : Commission on Peace Officer Standards and Training

Subject: DEPARTMENT OF FINANCE STUDY OF POST PROGRAMS

The Department of Finance, Program Evaluation Unit, conducted a review of the POST program during the late summer and fall of 1976. The final report of the Department of Finance study team was recently delivered to POST.

Attached is a summary of significant observations and suggestions extracted from the study.

Each observation or suggestion has been identified with an item number. Staff comments are provided on each item. The most significant items were reviewed by the POST Advisory Committee members at their last meeting. Advisory Committee input has helped staff draft some of the comments.

The following items are believed to be the most significant:

- Item 5: Suggests a stronger role for POST in measuring peace officer effectiveness.
- Item 7: Suggests that POST reassess the practice of reimbursing for salary.
- Item 8: Recommends an Attorney General's Opinion to interpret PC Section 13523 ("The commission shall grant aid only on the basis that is equally proportionate among cities, counties, and districts.").
- Item 14: Suggests that POST cease issuing Intermediate and Advanced Certificates because they stimulate higher police salary, and do not signify specific proficiency levels.

- Item 15: Suggests that POST should not reimburse for non-statewide training needs.
- Item 17: Suggests exploration of expansion of POST's role to encompass all criminal justice components.
- Item 18: Suggests (as does Item 5) that POST undertakes more efforts in the evaluation of peace officer effectiveness.

Commissioners should particularly be concerned with Item 8. It is possible that the Attorney General's Opinion suggested could rule that POST's over-all reimbursement scheme is not in conformance with the legal mandate. Because of the potential far reaching effects of the issue raised in Item 8, and the broad policy implications of some other items, I believe it important for a Committee of Commissioners to meet and review this report with staff. If the Commission concurs, such a review meeting should take place before the May Commission meeting.


WILLIAM R. GARLINGTON
Executive Director

Attachment

DEPARTMENT OF FINANCE REPORT ON THE POST PROGRAM

SUMMARY OF DEPARTMENT OF FINANCE FINDINGS
AND POST STAFF COMMENTS

Item 1

"An additional cause of participation in the POST training program with or without reimbursements is that many officers and agencies believe it to be mandatory. It is a fact that legislation enacted in 1973 (Chapter 477) requires all local law enforcement officers to complete a POST-approved basic course of training before exercising the powers of a peace officer; however, the legislation is worded so that it is the responsibility of the individual to obtain this training, it is not necessary for the local agency to provide the training or for POST to reimburse for it."

Comment: Virtually all cities and counties participated in the POST program prior to passage of this 1973 legislation.

Obviously the responsibility for public protection falls on the hiring agency and that agency has no choice but to assure that officers hired are trained. Additionally, current case law holds that agencies may be held liable for failure to properly train their personnel.

There is a growing trend in ADA supported police academies towards enrollment of nonemployed students. Ultimately, great numbers of peace officer applicants may already have acquired this training at their own expense.

Item 2

"...there can be a widespread difference between the minimum number of training hours required and the maximum number for which POST will reimburse. Apparently, in many cases where POST has determined that training is needed, they are unable to determine how much. For example, a 200-hour minimum basic course curriculum for recruit officers has been established, but POST will reimburse for up to 400 hours. POST can neither justify that the 200 hours is the minimum necessary for a recruit to competently discharge his duties, nor can they explain what improvements in recruit skills are obtained by reimbursing for the additional 200 hours. The same is true for other mandatory courses. In essence, POST is funneling monies into areas where they not only do not know whether they are providing a sufficient amount or too much, but also what benefits are to be reaped."

Comment: In the last several years we have been making a concerted effort to identify which skills and knowledge areas are required for particular positions. In the case of the basic academy, we are moving away from the concept of "x" number of hours in a particular subject in favor of satisfactory performance to reach specified objectives. We believe the Finance staff concurs with this approach, as evidenced by other comments in the report.

We are also making progress in identifying specific skills and knowledge requirements for each type of position occupied by a peace officer. This job-specific concept equates the minimum training to the specific skills necessary to perform these functions, based on an analysis of the functions.

Item 3

"Recent action by the Commission to decertify a number of Advanced Officer, Supervisory, and Technical courses because they did not meet necessary criteria: (1) a demonstrated need, and (2) appropriateness of subject matter, leads us to question the effectiveness of POST's course screening procedures as they have operated in the past. Further, POST has not achieved a statewide system for coordination of courses and course presentations, so the value of their initial screening of course proposals, at least from a cost effectiveness standpoint, is highly questionable. It appears that a primary problem in the present certification process is that POST does not know in advance what the need for training will be; they are always in a position of reacting to the requests of local law enforcement groups instead of determining what the true needs are in advance, and planning towards those needs. Thus, duplication of training efforts and suboptimal utilization of trainers and training resources can result."

Comment: Work completed and in progress on "Master Calendaring" of courses, and the recently completed statewide training needs assessment study should address these issues.

In addition, consulting efforts are ongoing to assist law enforcement agencies with assessment of agency training needs. More effective planning for training at the local level will assist POST in planning to meet local needs.

Item 4

"While it appears that for the required courses, POST has begun to accept the need to match training to job requirements, we could find no evidence that such a tool had been considered for use in developing and evaluating the technical courses certified by POST. In general, POST's efforts have centered around determining the quality of the training process and not its relation to the skills needed by law officers to effectively perform their duties.

We would hope that POST will increase its efforts to match training to required skills, for only then can it begin to demonstrate the value of the training given."

Comment: Current efforts by the Commission to emphasize "job specific training" and complete a comprehensive statewide job analysis addresses this concern. The statewide training needs assessment also identified priority needs for training in specific skills.

Item 5

"Further, we found that POST officials believe that their purpose in setting training standards is limited to attempting to equip officers with the best possible skills--it is not to ensure that law enforcement officers are more effective. Whether or not skills learned are used in an effective manner they believe to be solely the responsibility of the local jurisdiction. Hence, POST perceives its responsibilities to stop at the classroom door."

Undoubtedly, the authors of Section 13503(e) of the Penal Code had intended for POST to assume an active role in measuring effectiveness, but it would be impractical to interpret this to mean that POST should be personally responsible for actual day-to-day effectiveness in the discharge of an officer's duties. That clearly must rest with the line managers and supervising officers at the local level. *However, we feel that POST should share with local agencies responsibility for improving that effectiveness statewide by helping to (a) determine the law enforcement officer's role in society, (b) develop performance objectives, (c) develop on-the-job measuring tools, and (d) evaluate statistics to determine effectiveness. Without evaluating the end result of training in terms of increased peace officer effectiveness, POST will be unable to determine the actual effectiveness of its training program."*

Comment: We are unable to agree with the Department of Finance staff's comments relative to the fact that "POST perceives its responsibilities to stop at the classroom door." We believe that it is ineffective to equip officers with the best possible skills and then to return them to an organizational setting where they cannot utilize these skills. Our concern in this area is stressed quite strongly in our management counseling program.

It should also be stressed that POST's overall role represents an effective sharing of responsibility with local government. POST Commissioners are representatives of local government and it is they who establish POST's broad policy.

The second part of the Finance staff's comments stating that "POST should share with local agencies the responsibility for improving effectiveness statewide..." is entirely appropriate. We have

attempted to do many of these things, beginning with our activities in Project STAR to determine the law enforcement officer's role in society. We would certainly desire to be a partner in further activities in this regard.

Obviously a great deal of work has been done in this area. However, the Finance staff seems to be recommending that POST attempt measurement of peace officer effectiveness in its purest and ultimate sense. Whether development of such measurement criteria is feasible is in doubt.

Item 6

"We believe Project STAR and the Revised Basic Course to be a sincere effort by POST to improve the effectiveness of California's police officers in enforcing laws through tailoring training to develop the skills required in modern police work. We can only hope that these projects represent a new direction by POST and that they will be followed by further attempts to validate POST's certified training courses by a thorough analysis of the role and duties of today's police."

Comment: The currently authorized job analysis is a major "further attempt" in this direction.

Item 7

"Fluctuations in the percentage of salary paid seem to be directly related to the amount of anticipated revenues."

"Originally, the idea behind devoting such a large portion of monies to salaries was to allow for replacement of staff during training. The requirement for training was not intended to carry with it the hardship of a reduced number of staff on the job. However, for practical reasons, the replacement of staff on a short-term basis is nearly impossible and in most organizations it is not done."

"To compound the problem in putting the funds to their intended use, the monies received from POST go directly into the General Fund of the city or county. This is a result of stipulations in local charters which require revenues to be deposited in the General Fund. Therefore, when police agencies are planning or budgeting for training, anticipated POST reimbursements are used as a bargaining tool, without which (we were told) city managers and county supervisors would not appropriate adequate funds for police training. In addition, as salaries are budgeted with or without expected absences for training, in many cases local governments seem to be using salary reimbursements as a general budget supplement."

"Dollar for dollar, the money expended for salary reimbursements does not seem to have the same impact on the amount of training received as do the

other reimbursement categories. Additionally, as described previously, the mechanism of salary reimbursements is fraught with administrative and audit problems. For these reasons, *we suggest that POST reassess the practice of giving salary reimbursements in order to ensure that the funds being expended for local assistance are being given out in the manner which most effectively and efficiently 'encourage(s) and assist(s) local law enforcement agencies to meet and maintain minimum standards...in the training of law enforcement officers'3"*

Comment: The POST Commission has over time reaffirmed its commitment to salary reimbursement, and has recently reassessed the entire reimbursement issue. The incentive provided by salary money is generally regarded as a critical element in securing approval for training budgets. The salary money returned to cities and counties represents only a small portion of monies actually expended for training at the local level.

The problem of auditing use of salary reimbursement for training release is real, but establishing a clear audit trail might not be a cost effective measure. While it may appear that salary reimbursement monies deposited in the general fund are not expended for training, it may be argued that those cities and counties have already staffed at a higher level in order to accommodate training release needs.

POST is, however, continuing to look at alternate methods to insure the most effective and efficient use of the Peace Officers' Training Fund for local government. Current problems in training delivery systems, including such items as out of district permits and average daily attendance revenues and restrictions thereon, are receiving our attention from both the legislative amendment and administrative viewpoints. Our conversion of course materials to performance objectives may ultimately require changes in salary reimbursement provisions.

Item 8

"The statute specifies that "the Commission shall grant aid only on the basis that is equally proportionate among cities, counties and districts" (Penal Code Section 13523)."

"Equally proportionate, in everyday language, means a like or similar share of something. Under current procedures, dollars are equally available to all participants. They need only allow a person to be trained, make the request for the reimbursement, and the money is theirs. If equally proportionate can be read to mean, in this context, the same amount to each agency, this is not occurring--because the actual reimbursement range is from \$0 to \$2 million yearly. If it means the same amount per police officer in an agency, this is not occurring either--the range is \$0 to \$1,470. If 'equally proportionate' can be read to mean equally available, then POST is adhering to the requirement of the code; if not, then POST is not in compliance with its legal mandate."

"An Attorney General's opinion should be sought by POST to clarify this issue."

Comment: The POST Commission has interpreted this section to mean "equally available". Since local government has raised no concerns over the equity of this interpretation, the Commission has not desired to seek further opinions.

Item 9

"POST has played a vital role in establishing the momentum to train police officers. However, now the local agencies appear to be willing to assume the Leadership role in determining what their officers need in the way of training. Thus, POST's role could become one of advisor, in which it would act as the meeting ground for police in resolving issues having statewide impact or significance. POST could provide for the law enforcement field what the American Medical Association or the American Bar Association provide for doctors and lawyers. It could be a professional association which is respected for its expertise and thereby valuable in providing a forum in which controversial issues can be dealt with and resolved. POST, in this role as a professional organization for police, could logically and efficiently be a resource agency to collect, analyze and conserve data about: (1) the impact of training on subsequent job performance and, (2) the impact of training on an entire agency or law enforcement statewide."

Comment: POST already fulfills the role described to a certain extent. Whether or not new efforts should or will be made in this area is a matter affected by policy decisions and environmental pressures.

Regardless of the "professionalization" role played by the Commission, it is believed that continuing need will exist for a leadership role in the selection and training standards area.

Item 10

"Although local agencies now often have the commitment and expertise to develop their own training programs, no local agency is as yet confident enough in its own ability to financially sustain a training program to give up POST reimbursements. Local agencies' momentum to train has preceded the fiscal commitment by local government necessary to assume full responsibility for law enforcement training. Thus, if POST reimbursements were reduced, training of local officers probably would be cut back also. In fact, officials of some agencies stated that, without POST's financial help, the only training they could continue would be that for new officers."

Comment: This statement implies support for continued POST subvention of local training costs. Similar statements have been made by local officials to support arguments in favor of salary reimbursement.

Item 11

"With several thousand recommendations recorded in the course of completing these studies, Administrative Counseling is very proud of an implementation rate of 77 percent."

"POST's counseling services are generally thought to be valuable by those who have received them."

"These services also have been useful in adding a stamp of approval to a suggestion for change which has been previously rejected by local governing bodies. In this case, POST appears to have filled the role of a professional law enforcement association by putting its credentials behind an idea."

"POST has been known to miss the mark, however. In Antioch, the administrative counseling study report suggested the need for a computer and microfilming system for the police department. These resources are not available or used by an part of Antioch city government. The question this raises is whether recommendations are matched to the agency under study or whether at times POST may "stock solutions" which are considered "basic" to any good agency and are suggested without giving full consideration to the agency's resources."

Comment: Certainly "stock solutions" are used where appropriate. POST sincerely hopes and believes that it is giving full consideration to an agency's resources. The example referred to here does not necessarily indicate that such is not the case.

Item 12

"Additionally, where Administrative Counseling studies deal with the implementation or refinement of specific tools, e.g., records systems, crime clearance rates, as compared with overall evaluations of organizational 'health', this service seems to duplicate the efforts of POST's Field Management Training Program. Field management training is designed to let agencies study the management of model system, of one kind or another, throughout the State."

"We suggest that POST intensify the screening of requests for administrative counseling to ascertain whether field management training may be a more cost-effective means of meeting the expressed need."

Comment: Field Management Training was an outgrowth of the Administrative Counseling program. Local personnel were first referred to other departments to view in operation systems being recommended to them by POST. Field Management Training has since become both an alter-

native to Administrative Counseling and an augmentation of that service. Duplication is not believed to exist, and the screening suggested is currently practiced.

Item 13

"Thus, there seems to be a clear and continuing role for Technical Services in performing research studies and gathering information on a broad range of topics which are vital to the goal of 'increasing the effectiveness of law enforcement'."

"Technical Services could provide information to a local agency that has a specific problem and allay the need for a more costly visit by an Administrative Counseling consultant. POST does not appear to have considered this possibility, and we suggest that in the future this alternative should be considered before administrative counseling services are provided."

Comment: This suggestion was a strong consideration when the "Center for Police Management" was established in the Technical Services Division. To a great extent the services provided augmented the Administrative Counseling program, and provided services to departments that, for various reasons, did not avail themselves of Administrative Counseling services. Technical Services Division has been abolished, but the Center for Police Management is retained.

Item 14

"In our interviews with training officers of local law enforcement agencies, we questioned them on the value of POST certificates. Almost unanimously they replied that their primary use was in justifying higher police salaries; almost all local agencies have some form of incentive pay program under which officers are paid a premium for possession of POST certificates."

"One problem pointed out in our local agency visits was that, in most instances, certificates do not indicate a certain level of proficiency."

"Another problem we identified with the certificates is that they ultimately result in increasing the dollar value of salary reimbursements from POST. The mechanism by which this occurs works as follows:

1. Training points from POST-reimbursed courses are used to qualify an officer for a certificate.
2. Possession of a certificate entitles the officer to a salary increase.
3. The officer continues to be required to take certain courses designated by POST as mandatory, for which the agency receives a salary reimbursement based on the elevated salary.

While the development of pay incentive plans is a local option over which POST has no control, it appeared to us that the proliferation of POST certificates encourages the costly process described above.

While any changes made in the overall role of POST, as suggested in Chapter V, would have a direct impact on the nature and extent of the professional certification program, we believe changes in this program should be considered even if no changes are made in the overall role of POST. *The issuance of certificates which do not reflect increasing levels of proficiency should be discontinued. The simplest way to implement this change would be to cease awarding Intermediate and Advanced Certificates.* This would result in a savings of two clerical positions, as three clerical positions plus part of the time of one clerical supervisor are currently involved in issuing certificates."

Comment: It may reasonably be suggested that if local agencies were not providing incentive pay based on POST certificates, they would be providing incentive pay based upon longevity, education or other factors. At any rate, the certificates are believed to have made a strong contribution to the increased levels of educational and training attainments of local officers. And, the certificates are highly valued by many, if not most, officers regardless of the pay incentive.

The certificates do not establish certain levels of proficiency, but they do establish general levels. It would not likely be cost effective to build in proficiency measures.

Abolishment of the Intermediate and Advanced Certificates seems to be undesirable and counter to POST's goals. The certificates are "institutionalized" and abolishment would have far reaching "ripple" effects throughout law enforcement and local government. Retention seems also desirable insofar as they continue to provide stimulus for self-improvement of law enforcement personnel.

Item 15

"The clearest expression of the scope of state involvement is found in the opening section of the 1959 enabling legislation: '...the Legislature finds that vocational training and the enforcement of state laws are matters of statewide interest and concern'. POST's task is to insure, through training, comparable enforcement of state laws statewide. Beyond what is reasonable to assume are basic skills, the State's role and responsibility may end and the local communities may begin in supporting what is unique in meeting its needs."

"There are some indications that the areas into which POST has expanded do not represent statewide needs. One has only to look at the list of technical courses which are currently certified to realize that many would be of little use to small, rural police departments."

"Insofar as POST is reimbursing for nonmandated courses or for nonstandardized portions of mandatory courses, the program may be supporting nonstatewide training needs."

"...it seems reasonable to confine the State's involvement to training officers in skills which are transferable statewide and which are required for the effective enforcement of state laws. In the Revised Basic Course POST has made strides in identifying those skills which are needed by new officers; *POST's efforts should now be directed towards identifying those skills required at all organizational levels for effective statewide law enforcement and design training programs to develop those skills.* This might require POST to withdraw from some current areas of involvement; particularly those which are classified as technical training."

Comment: The Commission has viewed the training program, coupled with selection standards, as the major component of its overall program that is intended to upgrade and improve law enforcement. In this way, optional courses are viewed as quite important to a balanced program.

Current efforts of the Commission to identify statewide and regional training needs certainly emphasize efforts in the direction suggested.

Item 16

"To facilitate training in these skills, the establishment of uniform hiring standards or qualifications is a task which the State can perform (and does perform for many other professions) better than each local community can for itself."

"The State should play a role here if only to resolve the issues efficiently-- with one group of people working on the task as opposed to more than 500 groups."

Comment: This statement is observational. Additional work in this area is underway with current validation research.

Item 17

"...it was the conclusion of the review team that expansion of POST's efforts to all segments of the criminal justice system, both state and local, should be investigated further."

"Several mechanisms for extending the scope of POST's activities into additional components of the criminal justice system suggest themselves, requiring evaluation in light of the constraints discussed above. One possibility, which would parallel POST's current activities in the specialized law enforcement programs, would be for POST to assume responsibility for setting selection and training standards and approving training courses without provisions for training reimburse-

ments. A second alternative could include reimbursement of criminal justice agencies for attendance at approved training courses. An additional possibility would be to fund the training institutions themselves, thereby reducing the user's training costs. The regional criminal justice training systems seem ready-made for this approach."

"Thus, while the regional criminal justice training centers appear to be an appropriate provider of training for criminal justice practitioners, the impact of Education Code provisions regarding ADA reimbursements on the financing of such training needs to be fully explored before expanded use of these facilities is encouraged."

Comment: POST is currently exploring these areas of concern. Discussions are underway with the Office of Criminal Justice Planning to determine if pilot presentations of criminal justice-oriented training courses, for the segments of the criminal justice system not now participating in the POST program, could be administered on a cost-effective basis by POST.

This is a controversial issue and many law enforcement officials fear the ultimate loss of POT funds should POST's role be expanded.

Item 18

"For much the same reasons that the State provides a unique service in establishing standards, the State can most efficiently gather from all local agencies whatever can be known about law enforcement effectiveness and peace officer effectiveness. The need for this information was expressed in 1967 legislation (Chapter 1640, Statutes of 1967). Effectiveness data can be useful statewide; therefore, it is reasonable to suggest that the State assume the role of repository. While we realize that the task of defining 'effectiveness' in the context of law enforcement is not an easy one, we believe that the time has come for POST to validate its activities in light of the 1967 mandate."

"Recognizing the need for effectiveness measurement is a first step; the actual undertaking of an evaluation of the effectiveness of training efforts is a second step which is long overdue."

Comment: While many past and current efforts relate to effectiveness of the POST training program, the implication here is that POST training be evaluated in terms of its actual impact on fulfillment of the police purpose. This cannot be done until there exists both consensus regarding the mission of police agencies, and means to measure the effectiveness of those agencies and their officers.

It would seem appropriate for POST to be a resource to local government and the professional organizations that fostered the POST concept initially. Certainly, the evaluation of effectiveness is an appropriate undertaking, but one that could most effectively emerge from the practitioners. Administrative imposition of effectiveness measures would be inappropriate.

AGENDA ITEM SUMMARY SHEET

Agenda Item Title ENROLLMENT INCREASE FOR DRIVER TRAINING		Meeting Date March 25, 1977
Division Administration Division	Division Director Approval <i>[Signature]</i>	Researched By Administration Division <i>[Signature]</i>
Executive Director Approval <i>[Signature]</i>	Date of Approval 2-28-77	Date of Report February 28, 1977
Purpose: Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report <input type="checkbox"/> Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No <input type="checkbox"/>		

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e. g., ISSUE Page _____).

ISSUE

At present a limit of 1,000 students per year is in effect. This limit was established at a time of severe economic restriction. The condition of the Peace Officer Training Fund will permit increasing this enrollment.

In order to be more responsive to the needs of the agencies POST serves, as evidenced by the Training Needs Assessment and letters of request from user agencies, consideration should be given to increasing the allotment by 500 students for the remainder of this fiscal year. Such an increase would reduce the backlog of driver training requests that is now estimated to be approximately 7,000.

A study is underway to determine an appropriate future enrollment level to be recommended on a yearly basis for attendance at Driver Training Courses.

PROPOSAL

Increase the enrollment of students in Driver Training Courses during Fiscal Year 1976/77 from 1,000 to 1,500. Authorize staff to allocate the enrollment of students from southern California, or central and northern California on the basis of demonstrated need and equitable distribution.

Financial Impact

It is estimated that the average cost per trainee for tuition, per diem and travel is approximately \$300. Therefore, the increase of 500 trainees during the current fiscal year will result in an additional expenditure of \$150,000.

Peace Officers Research Association of California

RESOLUTION

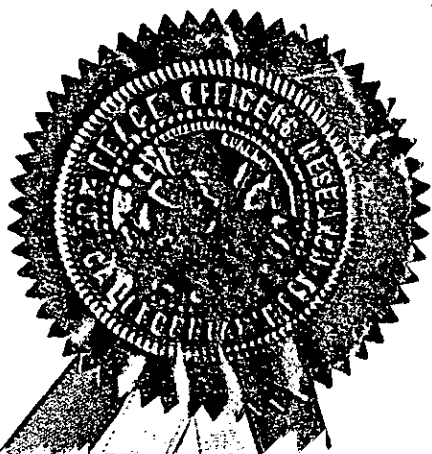
WHEREAS, The term "peace officer" is used as a general reference and lacks operational definition; and

WHEREAS, All efforts to promote the betterment and professionalism of peace officers is incumbent upon an understanding of the role, responsibilities, and liabilities of a peace officer.

THEREFORE BE IT RESOLVED that the Peace Officers Research Association of California would request and encourage the efforts of the Commission on Peace Officers Standards and Training to use all their available resources and to additionally act as a coordinating agency in bringing together the efforts of all professional peace officers organizations to develop an operational definition of peace officer; and further that P.O.S.T. coordinate efforts to recommend appropriate legislation concerning this effort.

Joseph A. Canto
President

Jan 15 1977
Date



AGENDA ITEM SUMMARY SHEET

Agenda Item Title Police Chiefs' Compliance Requirements for a Basic Certificate		Meeting Date March 25, 1977
Division Administration Division	Division Director Approval <i>[Signature]</i>	Researched By Administration Division <i>FW</i>
Executive Director Approval <i>W. R. Harrison</i>	Date of Approval 2-28-77	Date of Report February 28, 1977
Purpose: Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report <input type="checkbox"/> Financial Impact <input type="checkbox"/> Yes (See Analysis per details) <input type="checkbox"/> No <input type="checkbox"/>		

In the space provided below, briefly describe the ISSUES, BACKGROUND, ANALYSIS and RECOMMENDATIONS. Use separate labeled paragraphs and include page numbers where the expanded information can be located in the report. (e.g., ISSUE Page _____).

ISSUE

With some regularity POST receives applications for the issuance of Basic Certificates for recently appointed chiefs of police. A number of these individuals are mid-career managers or executives with extensive police experience in other States in the Nation. They, in their previous capacities, have completed basic and additional training and in many instances have obtained Bachelors and Masters Degrees in police or public administration, as well.

ANALYSIS

In most instances, these chiefs are employed in California by medium to large sized departments to perform the traditional role of executive decision maker as opposed to the tasks of law enforcement officer or supervisor/manager involved in daily operational matters. The likelihood of these chiefs having to make arrests, issue citations or make operational decisions is remote.

The current practice followed by Administration Division upon receipt of an application for the issuance of a Basic Certificate (whether for an officer to be assigned to patrol activities or for a chief of police, either of whom has had previous law enforcement training and experience) is to complete an evaluation of the individual's prior training, education, and experience to determine whether the prerequisites for the issuance of the Basic Certificate have been met. And to determine the equivalency of the training that the person has completed outside this State to the training required in the California Basic Course curriculum. In nearly every instance these evaluations reveal that the individuals have not completed the California courses pertaining to criminal law, criminal evidence, traffic, ABC laws, juvenile procedures, as well as the 832 P.C. course curriculum. Frequently there is also a need to show satisfactory completion of a first-aid course. Other minor subject areas within the California Basic Course are also frequently lacking in the training of the individuals from out-of-state.

POLICY CONSIDERATION

- For chiefs of police whose responsibilities include not only the role of the executive, but require the individual's daily involvement in operational law enforcement activities, all requirements for the Basic Course which are set forth in PAM, Section D, "The Basic Course" shall be satisfied before a Basic Certificate is issued.

Utilize reverse side if needed

RECOMMENDATIONS (continued)

- Authorize the issuance of Basic Certificates for chiefs of police whose training, education and experience satisfies in substance the requirements for the Basic Course as are set forth in PAM, Section D, "The Basic Course" which are practically and reasonably applicable to the role of chief of police, and the applications for certificates are accompanied by a signed statement by their city manager that the applicants are not likely to become involved in law enforcement operational activities. When a Basic Certificate is issued under these circumstances, the recipient should be advised of the Basic Course subject areas which appear to have not been covered in the recipients previous training or education and that if the recipient has not already done so, that he or she become thoroughly familiar with the identified subject matter.